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**Written submission from the
Nuclear Transparency Project**

**Mémoire du
Projet de transparence nucléaire**

**Regulatory Oversight Report for
Uranium and Nuclear Substance
Processing Facilities in Canada: 2022**

**Rapport de surveillance réglementaire
des installations de traitement de
l'uranium et des substances nucléaires
au Canada : 2022**

Commission Meeting

Réunion de la Commission

December 13-14, 2023

13-14 décembre 2023



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transparency
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Submitted via email

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To Members of the Canadian Nuclear Safety Commission,

Re: Canadian Nuclear Safety Commission Staff's Regulatory Oversight Report
on Uranium and Nuclear Substance Processing Facilities in Canada: 2022

We would like to begin by thanking the Commission for this opportunity to provide comments on this Regulatory Oversight Report (ROR). We would also like to recognize the efforts of Canadian Nuclear Safety Commission (CNSC) staff, Canadian civil society organizations, and Indigenous Nations for their informative publicly available materials and submissions on this matter.

NTP is also grateful for the comments in writing by CNSC staff in response to the information requests, submissions, and recommendations that constituted our ROR intervention last year. Further, we would like to thank the CNSC staff members and subject matter experts who met with us recently on September 22nd to discuss our intervention from last year as well as this year's ROR – it was a productive meeting and their time and attention throughout was appreciated.

About NTP

The Nuclear Transparency Project (NTP) is a Canadian-registered not-for-profit organization dedicated to supporting open, informed, and equitable public discourse on nuclear technologies. NTP advocates for robust public access to data and other types of information and helps to produce accessible analysis of publicly available information, all with a view to supporting greater transparency in the Canadian nuclear sector. NTP is comprised of a multi-disciplinary group of experts who work to examine the economic, ecological, and social facets and impacts of Canadian nuclear energy production. We are committed to interdisciplinary, cross-sectoral, and equitable collaborations and dialogue between regulators, industry, Indigenous nations and communities, civil society, members of host and potential host communities, and academics from a variety of disciplines.

About this intervention

NTP's intervention was made possible by CNSC funding through its Participant Funding Program (PFP). These submissions were drafted by NTP founder and coordinator Pippa Feinstein, JD LLM in collaboration with biologist Dr. Tamara Fuciarelli and Alan Rial, M. Eng. who performed NTP's data analysis.

Our submissions have been divided into three parts: the first part contains a review of the current ROR; the second part contains recommendations to increase the amount of publicly accessible data collected by uranium and nuclear processing facilities; and the third part which contains NTP's more general recommendations to improve the ROR intervention process for future ROR meeting proceedings. Our comments this year have been drafted to build on last year's recommendations, elaborating further on some of them and reporting on the progress of implementing others. As such, we hope this year's submission can be seen as a continuation of the conversations we began with the intervention we made last year.

PART ONE: NTP's review of the ROR

Last year, NTP recommended that CNSC amend their description of the Independent Environmental Monitoring Program (IEMP) in future RORs to specify that the program is meant to address specific community concerns by providing data 'snap-shots' of ecosystem components around nuclear facilities. We explained how the purpose and methodology of the IEMP means it cannot provide comprehensive analysis of overall environmental health or trends in local environmental conditions.

At that time, we also recommended that descriptions of the IEMP should note how members of the public can be in touch with the CNSC to request new monitoring locations for future IEMP sampling, thus extending and diversifying the community inputs into the Program.

Since then, the IEMP has been the subject of an CNSC-ENGO Forum meeting in 2023, where the limitations of the IEMP were discussed in more detail. NTP shared its recommendations with CNSC staff at that meeting, and the relevant subject matter experts responsible for managing the IEMP also provided a table that described the Program's scope, distinguishing what IEMP data could and could not communicate. Despite this development, NTP notes that the description of the IEMP in this year's ROR is relatively unchanged from last year and does not reflect NTP's concerns about IEMP communications. Further, this year's descriptions of the IEMP have not reflected the discussions we have had with CNSC staff on this issue (or their more nuanced messaging shared with the Forum).

This matter highlights the value of having a portion of each year's ROR devoted to updates from CNSC staff relating to the previous year's intervenors' submissions. In the case of this ROR, CNSC staff have already separately provided NTP with written

comments in response to our interventions from last year. Inputting these or similar responses into reports themselves may not be unduly onerous.

Recommendation 1: that CNSC staff and Commissioners consider including CNSC staff responses to individual intervenor comments from the previous year in each new ROR.

PART TWO: NTP's review of publicly accessible data for facilities covered by the ROR

Last year we recommended that groundwater and stormwater data be disclosed via the Open Government data portal. This year, we would like to augment this recommendation to include proactive disclosure of sampling results of ambient surface water, ambient air, releases to sewers, soil, and sediment to the Open Government data portal. We have also since learned that certain environmental sampling at uranium and nuclear substance processing facilities might be automated. If this is the case, it could assist with new efforts to share larger quantities of data with the public. With automation, more data could be disclosed more frequently by licensees – and more data could be received by CNSC staff for direct upload onto the Open Government portal.

Recommendation 2: that groundwater, stormwater, ambient surface water, ambient air, releases to sewers, soil, and sediment data be uploaded routinely to the Open Government data portal.

This year CNSC staff provided contact information for licensees in this ROR category. We will reach out to each licensee to inquire about their environmental monitoring programs and data management practices in order to identify potential opportunities for progress in this area. We also understand the revised REGDOC 3.2.1 which will be released for public comment in the near future might have some additional guidance for proactive public disclosure of environmental data by licensees. We hope to submit further comments relating to that REGDOC at that time.

In the meantime, this ROR includes a significant summary of licensees' environmental data. If CNSC staff could provide CSV formats of the tables they included in Appendices (especially F, H, I, J, and L), it would assist with our analysis of the data provided. We imagine these tables were created in machine-readable formats before being included in the PDF format of the ROR. If so, they might therefore already be on file and hopefully fairly simple to disclose. At the moment, we lack the capacity to scrape all of the data from the PDF ROR for our own use.

Recommendation 3: that CNSC staff comment on the feasibility of sharing tables from the ROR with members of the public in CSV formats.

PART THREE: NTP's recommendations for future ROR intervention processes

Last year, we made three recommendations relating to the ROR intervention process that were not specific to any particular ROR. First, NTP requested more time to prepare interventions; second, we requested the ability to present oral submissions at Commission meetings to consider RORs; and third, we requested that the CNSC's PFP develop more specific intervenor funding criteria in consultation with members of the public and public interest organizations.

This year, we were very grateful for an additional two months of preparation time for this intervention. While CNSC staff's Commission Member Document (CMD) was released at roughly the same time as last year (in mid-late August), the additional preparation time before that allowed our experts to follow up on the information and written responses from CNSC staff relating to our past intervention. It also allowed us to arrange our meeting with CNSC staff and provided enough time for us to incorporate what we learned at that meeting into these written submissions. Further, we have been offered the opportunity to deliver oral submissions for certain RORs this year, which is likewise appreciated. We hope these opportunities to make oral submissions are extended to all interested members of the public and civil society organizations, and that they may include the opportunity to meaningfully contribute to the public record for the ROR proceedings.

The review of the PFP funding criteria is an outstanding item that NTP would again like to propose for the CNSC's consideration. The scoping of ROR interventions by the funding grants and conditions intervenors receive can effectively shape the substantive content of ROR proceedings and impact the public record and any outcomes from Commission meetings. Developing a broader definition of the types of analysis and experts eligible for funding could expand the scope of funded interventions while still remaining consistent with the Commission's mandate.

Recommendation 4: that the CNSC's PFP develop more specific and expansive intervenor funding criteria, in consultation with members of the public and public interest organizations.