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**Written submission from
Chippewas of Kettle and Stony
Point First Nation**

**Mémoire de la Première
Nation des Chippewas de
Kettle et Stony Point**

Canadian Nuclear Laboratories

Regulatory Oversight Report for
Canadian Nuclear Laboratories Sites:
2023

Laboratoires Nucléaires Canadiens

Rapport de surveillance réglementaire
des sites des Laboratoires Nucléaires
Canadiens : 2023

Commission Meeting

Réunion de la Commission

November 7, 2024

7 novembre 2024



Project Title: Regulatory Oversight Report for Canadian Nuclear Laboratories Sites: 2023

Form Number: 24-CNL ROR

Reference number: 24-CNL ROR CKSPFN

Re: Consultant review of the ROR with specific focus on the Douglas Point Site and surrounding area

Through collaboration between the Three Fires Group (TFG) and their technical expert, the Chippewas of Kettle and Stony Point First Nation (CKSPFN) wish to provide the following comments, questions and concerns to the CNSC as part of the hearing process for the Regulatory Oversight Report for the Canadian Nuclear Laboratories Sites: 2023. Based on the location of the reserve lands along Lake Huron and the traditional territory of CKSPFN, we have a specific interest in the Douglas Point Waste Facility (DPWF) and associated decommissioning.

The following comments, concerns and questions are a result of fulsome review of the ROR and internal discussions related to initial priorities around nuclear energy and waste in the territory. These discussions focused on the preservation of water systems, protection of remaining, undisturbed natural areas and community-led approaches to more detailed assessment of cumulative effects in the territory.

To start, we are seeking more information on the inspections supporting the “Satisfactory” performance rating for 2023 for the DPWF and the focus on three of the fourteen Safety and Control Areas (SCAs). We are also looking for more information on how the CNSC is taking appropriate steps to maintain regulatory oversight at the DPWF.

Reference	Issue	Comment/Request for Proponent
2.4.2.3 Radiation Protection Program Performance P.48	There was one inspection in 2023 that included the Radiation Protection SCA. This inspection resulted in a notice of non-compliance stemming from incomplete and illegible radiation warning signage. However, the CNSC determined that this instance did not pose a risk to the health and safety of workers, the public, or the environment. Without additional information regarding the location and extent of incomplete and illegible warning signage (i.e., whether the signage is	The CNSC should provide more information on the location and extent of the illegible and complete radiation signage. The CSNC should also elaborate upon the corrective actions take to address the notice of non-compliance. This will provide CKSPFN the information needed to help determine whether the

	intended to warn workers or the public of risks), CKSPFN can not be assured that the non-compliance did not pose a risk to CKSPFN members.	corrective actions are sufficient to close the issue.
2.4.3 Environmental Protection p. 48	<p>The ROR states that “CNSC staff assess CNL’s performance in the Environmental Protection SCA through desktop reviews, reportable events, and through the course of inspections. In 2023, there were no inspections conducted by CNSC staff at DPWF that included the Environmental Protection SCA.” Despite no inspections in 2023, CNSC concluded that effluent and environmental monitoring results, past performance history and regulatory oversight to date, supports that the Environmental Protection SCA at DPWF meets the applicable regulatory requirements.</p> <p>Further, it is understood that the Independent Environmental Monitoring Program (IEMP) which is independent from a licensee’s technical environmental sampling program and is carried out by CNSC staff in publicly accessible areas around nuclear facilities, was also not completed at DPWF in 2023.</p> <p>Without an inspection, it is unclear how it can be reasonably concluded that DPWF meets the applicable regulatory requirements and is protective of the natural environment in 2023. Past performance history is not sufficient indication of current performance.</p>	The CNSC should describe in greater detail how the performance rating of ‘Satisfactory’ was determined for the Environmental Protection SCA considering there were no inspections or monitoring completed through the IEMP in 2023. More detail of the Proponent’s effluent verification monitoring program is needed in the ROR.
2.4.3.1 Effluent and Emissions Control	CNL implements an effluent verification monitoring program that CNSC staff have determined to be protective of the environment and the public. The ROR states that there were no regulatory or action exceedances in 2023. However, the	The CNSC should provide to CKSPFN the methodology and results of the effluent verification monitoring program for review and comment. The CNSC should also clarify

	ROR does not provide any details of the monitoring methods or timing for this monitoring program. Further, it is unclear whether the results of this monitoring program are considered in a cumulative effects context. The DPWF is located at the Bruce Power site. Thus, impacts from airborne and liquid releases should be considered cumulatively from the Bruce Power site the surrounding landscape to the extent possible.	whether the cumulative impact of the DPWF and the rest of the Bruce Power site are considered in the ROR.
2.4.3.3 Environmental Management System p. 49	The ROR states that “The CNSC requires that licensees develop and maintain an Environmental Management System (EMS) in order to provide a documented framework for integrated activities related to environmental protection. An EMS includes activities such as establishing annual environmental objectives, goals, and targets.”	The CNSC should provide an overview of the EMS activities, environmental objectives, goals, and targets to CKSPFN for review and comment. The EMS should include goals and targets that pertain to the protection of culturally important plant and wildlife species to CKSPFN.
2.4.3.4 Environmental Risk Assessment p. 49	The ROR states that “DPWF had an ERA (Environmental Risk Assessment) that met CNSC expectations for the 2023 calendar year.” The information provided for the environmental risk assessment lacks the detail required to provide assurance that environmental risks have been sufficiently minimized and mitigated.	The CNSC should: <ul style="list-style-type: none"> • Clarify the CNSC’s expectations for the Environmental Risk Assessment in 2023; • Summarize the methodology and results of the Environmental Risk Assessment; and • Provide the Environmental Risk Assessment for the CKSPFN to review and comment.
2.4.3.5 Protection of the Public p. 50	The ROR states that “CNL provides data on a dose to a hypothetical member of the public that is representative of someone who spends a considerable amount of time in the proximity to the licensed site. Based on the CNSC staff assessment of the results in CNL’s 2023 environmental	The CNSC should: <ul style="list-style-type: none"> • Report the radiation dose to a hypothetical member of the public in 2023 and compare it to the regulatory requirements;

	<p>monitoring programs, CNSC staff conclude that the releases of hazardous and nuclear substances from CNL sites met the regulatory requirements.” No further detail is provided describing how the dose to a hypothetical member of the public is estimated, nor what constitutes a “considerable amount of time” near the site.</p> <p>Members of CKSPFN may use lands and waters near the DPWF for traditional land uses including hunting and fishing, and these areas represent some of the most functionally intact areas of their Traditional Territory. It is of utmost importance for the health and safety of CKSPFN members that risks to human and wildlife health are reported and communicated to build trust and assure CKSPFN members that they are safe while carrying out cultural practices on the lands surrounding the DPWF.</p>	<ul style="list-style-type: none"> • Describe how the dose is measured/estimated (i.e., what is a “considerable amount of time” and what is “in the proximity to the licensed site”), and • Clarify if this radiation dose included potential radiation from the entire Bruce Power Nuclear site, or from the DPWF only.
<p>2.4.5 Management System p. 51</p>	<p>There was one inspection in 2023 that included the Management System SCA. This inspection resulted in two notices of non-compliance:</p> <ul style="list-style-type: none"> • The contractor mobilization checklist not being completed; and • There was a lack of evidence that all subject matter experts completed their review of contractor’s job hazard analyses. <p>However, the CNSC determined that this instance did not pose a risk to the health and safety of workers, the public, or the environment. It is important that the risks of non-compliance are taken seriously. Job hazard analyses are important tools designed to identify and protect against workplace hazards. Without proper identification of workplace risks.</p>	<p>The CNSC should elaborate upon the corrective actions taken to address these notices of non-compliance. This will provide CKSPFN the information needed to help determine whether the corrective actions are sufficient to close the issue.</p>

	Appropriate mitigations may not be in place to avoid these risks.	
2.4.10 other Safety and Control Area	While the CNSC evaluates 14 SCAs, only three (radiation protection, environmental protection, conventional health and safety) are the main focus of the ROR. The CNSC maintains that “staff engaged in continuous oversight as well as other compliance activities, including desktop reviews of submissions, quality manuals and design reports, holding periodic update meetings regarding licensing and compliance ongoings at the site as well as ensuring compliance through CNL’s own event reporting”. However, it is unclear why only three SCA’s are discussed in depth; the remaining SCAs lack the level of detail needed to provide assurance that there is sufficient regulatory oversight in place to protect CKSPFN members.	The CNSC should describe the oversight and compliance activities conducted in 2023, itemized for each SCA.

Next, we are seeking clarification on the end state of nuclear waste stored at the DPWF.

Reference	Issue	Comment/Request for Proponent
2.4.7 Waste Management p. 52	The ROR states that “CNSC staff assess CNL’s performance in the Waste Management SCA through desktop reviews, reportable events, and through the course of inspections. In 2023, CNSC staff conducted 1 inspection that included the Waste Management SCA which resulted in no NNCs.” We understand that Waste Management SCA also covered plans for decommissioning. More detail about waste management is warranted in the ROR since the DPWF stores spent nuclear fuel and is in the process of undergoing decommissioning. Which will include the removal of these wastes.	The CNSC should provide a brief summary in the ROR that includes: <ul style="list-style-type: none"> • The amount of waste and storage location/condition; • Decommissioning tasks completed in 2023; and • Plans for the transportation and long-term storage of nuclear waste.

As CKSPFN capacity grows and the nuclear discussion builds in the community, CKSPFN are seeking more information on the opportunities available for ongoing consultation and participation in the regulatory process.

Reference	Issue/Opportunity	Comment/Response for Proponent
3.1 Indigenous Consultation and Engagement p. 70-71	“The CNSC is committed to building long-term relationships and conducting ongoing engagement with Indigenous Nations and communities who have an interest in CNSC-regulated facilities within their traditional and/or treaty territories.”	CKSPFN would like to participate further in engagement, the CNSC acknowledged that they will work with interested parties to build long-term relationships. CKSPFN is seeking clarification on how we are included in the CNSC’s ongoing engagement practices based on the approach outlined in Section 3.1.
3.1.3 Issues and Concerns Tracking p. 72	“In 2023, CNSC staff followed up with each Indigenous Nation and community who intervened with regards to the 2022 CNL ROR and offered to have specific meetings and discussions to address their concerns, comments and recommendations. “	We recommend that the CNSC continue this practice with CKSPFN for the 2023 ROR. If not completed in the past, the CNSC should share a tracking table with CKSPFN for validation and discussion to make progress on addressing requests and concerns collaboratively.
3.1.4 Terms of Reference p. 74-75	“CNSC staff have formalized 10 Terms of References for long-term engagement with interested Indigenous Nations and communities which have been collaboratively developed with each interested Indigenous Nation or community.”	CKSPFN is interested in learning more about a Terms of Reference and what this might look like for long-term engagement with the CNSC. CKSPFN is interested in understanding how a Terms of Reference could include: <ul style="list-style-type: none"> • Regular meetings;

		<ul style="list-style-type: none"> • Topics, facilities, sites, and projects of interest; • Accountability and governance structures; • Collaborative activities; • Communications plans; and • Site tour/visits.
<p>3.1.4 Engagement and Monitoring Activities</p> <p>p. 73</p>	<p>“In 2023, CNSC staff have continued to engage and collaborate with Indigenous Nations and communities on the CNSC’s Independent Environmental Monitoring Program (IEMP). CNSC staff have made it a priority to ensure that IEMP sampling reflects Indigenous Knowledge, land use, and values, where possible [...] CNSC staff invited each interested Nation and community to provide and share Indigenous Knowledge, as well as suggestions for species of interest, valued components, and potential sampling locations where traditional practices and activities may take place.”</p> <p>It is understood that the IEMP sampling campaign did not occur at the DPWF in 2023. It is unclear whether there are plans to implement the IEMP at the DPWF. Broadly, the Bruce Power site and adjacent lands contain features of significance that form core relatively undisturbed habitat tracts in a landscape otherwise fragmented by anthropogenic use. The many turtles, birds, and snakes observed at the Bruce Power site highlight its importance for wildlife and Species at Risk. Independent monitoring efforts to maintain habitat integrity and connectivity on site need to be a priority.</p>	<p>The CNSC should indicate whether there are plans to implement the IEMP at the DPWF and provide an opportunity for CKSPFN to share information that they wish to. This could include suggestions for species of cultural concern, other valued components, and potential sampling locations that consider potential impacts on traditional practices and activities.</p>

<p>3.1.6 Engagement Activities p. 75</p> <p>3.1.4 Engagement on Monitoring Activities p. 73</p>	<p>“CNSC staff have confirmed that CNL has Indigenous engagement and outreach programs and is undertaking internal initiatives such as launching their Indigenous Vendor Portal and the Indigenous Business Network in 2023.”</p>	<p>The CNSC should continue to provide sufficient information so that CKSPFN is aware of the funding available for engagement and other economic opportunities. This may include, but is not limited to:</p> <ul style="list-style-type: none"> • Indigenous Vendor Portal; • Indigenous Business Network; and • Continued support and information sharing related to the Participant Funding Program and the Indigenous and Stakeholder Capacity Fund.
<p>3.3 Licence Public Information and Disclosure p. 79</p> <p>Appendix E: Reportable Events p. 119</p>	<p>Appendix E describes the four reportable events at the DPWF in 2023. While it is understood that a Public Information Disclosure Program is a regulatory requirement, it is unclear whether/how reportable events are communicated to Indigenous Nations and the public, as “disclosure protocol are commensurate with the level of risk of the facility, as well as the level of public interest in the licensed activities.”</p>	<p>CKSPFN is interested in working with the CNSC/CNL to co-develop clear communication procedures and protocols on items important to CKSPFN. This could include notification of reportable events and notices of non-compliance. This item could be part of establishing a Terms of Reference with the CNSC.</p>

Lastly, some general commentary from our review is presented below:

Reference	Issue	Comment/Request for Proponent
Plain Language Summary	The ROR states that “monitoring data demonstrates that both the water and food grown in proximity to these sites are safe to consume”. Further, the CNSC	The CNSC should provide CKSPFN with the information sources used to support these claims. Information pertaining to the health

pp. 4, 6	concludes that “the health and safety of Indigenous Nations and communities and the public near its sites, as well as the surrounding environment, continue to be protected”. However, there is limited data presented in the ROR to provide CKSPFN assurance of these claims as it pertains to DPWF.	and safety of Indigenous Nations should encompass both health and socio-economic well-being.
2.4.1 Overview p.45	CKSPFN is not acknowledged in the locational description of the DPWF.	CKSPFN assert ownership of the waterways located within their Traditional Territory, including the Lake Huron waterbed north to the intersection point of the surrendered lands with the Huron Tract.
2.4.8 Safeguards and Non- Proliferation	In 2023 there were two inspections by the International Atomic Energy Agency. The ROR states that there were “no significant issues [...] identified as a result of these inspections”. However, it is unclear what constitutes a “significant” issue to the CNSC and the IAEA. All issues identified by the IAEA are important to note to maintain transparent regulatory oversight reporting.	The ROR should briefly summarize the results of the International Atomic Energy Agency inspections. Otherwise, the CNSC should articulate what constitutes a ‘significant’ issue.

We are appreciative of the opportunity to provide written comment as part of the hearing process for the Regulatory Oversight Report for the Canadian Nuclear Laboratories Sites: 2023. CKSPFN and TFG look forward to ongoing discussion and collaboration with the CNSC and CNL.

Sincerely,



Jessica Wakefield, Executive Director, Major Projects and IBAs

Three Fires Group