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**Written submission from
Mississaugas of Scugog Island
First Nation**

**Mémoire de la Première Nation
des Mississaugas de Scugog
Island**

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



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Written Intervenor Submission: Regulatory Oversight Report for Canadian Nuclear Laboratories Sites: 2023



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Mississaugas of Scugog Island First Nation
Consultation Office

October 7, 2024



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To the attention of:

Tribunal Officer, Commission Registry

Canadian Nuclear Safety Commission

interventions@cnsccsn.gc.ca |

October 7, 2024

Re: Regulatory Oversight Report for Canadian Nuclear Laboratories Sites: 2023 – Comments from the Mississaugas of Scugog Island First Nation (MSIFN) Consultation Department

The Mississaugas of Scugog Island First Nation (MSIFN) Consultation Department (“MSIFN Consultation”) is pleased to provide comments on the **Regulatory Oversight Report for Canadian Nuclear Laboratories Sites: 2023**. Comments on behalf of MSIFN Consultation are in the table below.

Background

The Regulatory Oversight Report for Canadian Nuclear Laboratories Sites: 2023 describes the safety performance of the sites that are licensed to Canadian Nuclear Laboratories (CNL) by the Canadian Nuclear Safety Commission (CNSC). It also provides details on CNSC staff’s work to ensure the health, safety, security, and the environment around the sites.

According to the document, CNSC staff evaluated CNL’s performance across the 14 safety and control areas (SCAs). This report provides the resulting performance ratings for the following sites for the 2023 calendar year:

- Chalk River Laboratories (CRL) – an operating nuclear research laboratory
- Whiteshell Laboratories (WL) – a nuclear research laboratory undergoing decommissioning
- Port Hope Area Initiative (PHAI):
 - o Port Hope Project (PHP) – a long-term low-level radioactive waste remediation project
 - o Port Granby Project (PGP) – a long-term low-level radioactive waste remediation project



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- o Port Hope Pine Street Extension Temporary Storage Site – a temporary storage site for low-level radioactive waste
- o Port Hope Radioactive Waste Management Facility – a temporary storage facility for low-level radioactive waste
- Douglas Point Waste Facility – a shutdown prototype power reactor
- Gentilly-1 Waste Facility – a shutdown prototype power reactor
- Nuclear Power Demonstration Waste Facility – a shutdown prototype power reactor

CNSC staff conclude in the document that CNL performed its licensed activities across all sites safely in 2023. CNSC staff say they reached this conclusion through reviews of the safety performance measures and observations, including that CNL. CNSC staff state that CNL:

- operated safely within the bounds of its operating policies and principles
- followed approved procedures that took adequate corrective actions for all events reported to the CNSC and 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,
 - workers at each CNL site have conducted the licensed activities safely and are properly protected,
 - there were no releases from CNL sites that could have harmed the environment or the health and safety of people.

MSIFN Consultation’s Comments – See Table



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Table 1. Comments on the **Regulatory Oversight Report for Canadian Nuclear Laboratories Sites: 2023**

Reference	Context	Comment
General	<p>In accordance with the <i>Nuclear Safety and Control Act</i>, and its associated regulations, the Canadian Nuclear Safety Commission (CNSC) regulates Canada’s nuclear industry to protect the health, safety of the people, security and the environment; to implement Canada’s international commitment on the peaceful use of nuclear energy; and to disseminate objective scientific, technical and regulatory information to the public.</p> <p>The <i>United Nations Declaration on the Rights of Indigenous Peoples Act</i> came into force in 2021, requiring the Government of Canada (i.e., all federal governments) to take all measures necessary to ensure the laws of Canada are consistent with the Declaration.</p> <p>The President of the CNSC reports to the Minister of Natural Resources(NRCan) concerning the general administration and management of the affairs of the Commission.</p>	<p>Please provide evidence for the CNSC’s activities in 2023 with respect to the CNSC’s actions on these 4 measures, and how the Regulatory Oversight Report for Canadian Nuclear Laboratories Sites: 2023 reflects and integrates the CNSC’s actions.</p> <p>Please also answer the following questions:</p> <ol style="list-style-type: none"> 1) What does UNDRIP mean to the CNSC? 2) How will the CNSC work in consultation and cooperation with Indigenous communities to support measures in the UNDA Action Plan? 3) How will the CNSC work in consultation and cooperation with Indigenous communities to support measures 32 in the UNDA Action Plan, which relates to obtaining the free, prior and informed consent from Indigenous communities on natural resource projects? 4) How will the CNSC report on UNDA Action Plan progress to relevant agencies and Indigenous communities? 5) How will the CNSC incorporate its UNDA actions within future regulatory oversight?



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	<p>Natural Resources Canada (NRCan) is leading/co-leading four measures in the UN Declaration Act Action Plan related to the natural resources sector. During 2023, NRCan says it worked with industry and Indigenous partners, seeking feedback on measures contained in the draft action plan to inform the action plan’s finalization.</p> <p>Topics that were covered helped determine 4 measures relevant to the natural resources sector for projects that are federally regulated, namely:</p> <ul style="list-style-type: none"> • Safety and security of Indigenous women, girls and 2SLGBTQQIA+ people • Guidance on engaging with Indigenous Peoples on natural resources projects • Economic participation of Indigenous Peoples and their communities in natural resource development • Indigenous participation in decision-making 	
<p>2.1.2.2 Worker Dose Control</p>	<p>Radiation exposures of workers at the CRL site are ascertained, recorded, and monitored to ensure compliance with the CNSC’s regulatory dose limits and to maintain radiation doses ALARA. CRL uses CNL’s</p>	<p>With the advent of CNL’s Reconciliation Action Plan, which includes an emphasis on recruiting Indigenous employees and supporting procurement with Indigenous contractors, the number of Indigenous workers at CNL sites are likely increasing. This positive development also requires a re-assessment of radiation exposures of workers who both</p>



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	<p>licensed dosimetry service for external and internal dosimetry for site/facility workers.</p>	<p>work at CNL sites, and harvest and consume foods that may be exposed from CNL site activity. Please comment on how the CNSC and CNL can better assess radiation exposure to Indigenous workers at CNL sites who also harvest and consume foods that may be exposed by CNL site activity.</p>
<p>E2: Reportable events at CRL</p>	<p>A number of reportable events at CRL are concerning because they point to potentially systemic management oversight problems regarding preventative maintenance, inspections, security and CNSC oversight of remedial actions:</p> <ul style="list-style-type: none"> • Monthly fire extinguisher inspections were not completed for over 12 months. • No preventative maintenance was completed for exhaust fans in Waste Management Areas D and H. • The dedicated isotopes facility was found to not have been registered as a nuclear criticality controlled area or non-nuclear criticality controlled area, despite the presence have small amounts of uranium-235 in fission chambers and more than 200 kilograms of depleted uranium in flask shielding. • A self-assessment was conducted by CNL on their cyber security program 	<p>How is CNL assessing and attending to potential systemic management oversight problems to address preventative maintenance, inspections, security, and CNSC oversight of remedial actions?</p>



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	<p>which identified notices of non-compliance.</p> <ul style="list-style-type: none"> • A remedial action plan for the soil at the potential Modernized Combined Electrolysis and Catalytic Exchange Facility site was prepared by CNL but not sent to CNSC staff 30 days prior to commencing soil removal. CNL paused work pending the review by CNSC. 	
<p>E3: Reportable events at WL</p>	<p>A number of reportable events at Whiteshell are concerning because they point to potentially systemic management oversight problems regarding preventative maintenance, inspections, security and CNSC oversight of remedial actions:</p> <ul style="list-style-type: none"> • CNL conducted a planned focused self-assessment of the Whiteshell Laboratories Fire response training, equipment and overall response capability for compliance with the fire protection regulatory requirements. CNL identified deficiencies in training curriculum, records and firefighter protective gear and this CNL determined that it was not able to maintain the minimum complement of Emergency Services Organization staff 	<p>How is CNL assessing and attending to potential systemic management oversight problems to address preventative maintenance, inspections, security and CNSC oversight of remedial actions?</p>



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	<p>required to operate the WL site at full operations. CNL placed the Whiteshell site in a non-operational state and planned to conduct a root cause analysis and development of a multi-phase restart plan with a corrective action plan. CNSC staff continue to perform compliance oversight of CNL's execution of its multi-phase restart plan and at regulatory hold points before CNL can move through its defined site restart phases.</p> <ul style="list-style-type: none">• As a result of CNSC staff inspection, the licensee self identified a lack of administrative control with security clearances. During the inspection CNL staff self identified an area of non-compliance related to access to the protected area, specifically a site access security clearance (SASC) mid-point review not being completed for one CNL employee. CNL has taken immediate actions and initiated an extent of condition review, including corrective actions that CNSC staff have reviewed. These corrective actions have been implemented by the licensee.	
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	<ul style="list-style-type: none">• CNL self-identified that it did not have records or pre-employment medical assessment for 10 newly hired Industrial Fire Brigade members as required. Subsequently, while preparing to submit firefighter annual medical assessment records to CNSC inspectors, CNL discovered 8 medical assessments for current employees to have lapsed over 2 months. CNL took corrective action to investigate the cause and prevent re-occurrence and revised CNL procedures. CNL also completed the required medical assessments for the employees and scheduled annual medical assessments for existing employees where assessments had lapsed. CNSC staff are satisfied with CNL's corrective actions and planned follow-up inspections to evaluate CNL's corrective action effectiveness.• CNL discovered 3 fire extinguishers had not been replaced during a site -wide fire extinguisher replacement campaign and were subject to monthly inspection, testing and maintenance without an overdue hydrostatic test	
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	<p>being identified and addressed. Multiple emergency lights in several Whiteshell facilities were also found to have not undergone inspection, testing or maintenance activities. CNL took corrective action to remediate the fire extinguishers and emergency lighting, and implementing corrective actions to prevent re-occurrence. CNSC staff are satisfied with CNL's corrective actions and planned follow-up inspections to evaluate CNL's corrective action effectiveness.</p> <ul style="list-style-type: none">• CNL fire protection staff identified fire dampers that were listed as performing a fire-damper safety function that were not on the mandatory preventative maintenance schedule. There was no record of inspection and maintenance in performed on them since installation in 2013. CNL conducted corrective actions to investigate the cause and prevent re-occurrence. CNSC staff are satisfied with CNL's corrective actions and planned follow-up inspections to evaluate CNL's corrective action effectiveness.	
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	<ul style="list-style-type: none"> • A self-assessment was conducted by CNL on their cyber security program which identified notices of non-compliance. 	
<p>2.2.7 Emergency Management and Fire Protection</p>	<p>CNSC staff assess CNL’s performance in the Emergency Management and Fire Protection SCA through desktop reviews, reportable events (Appendix E), and through the course of inspections (Appendix D). In April 2023, CNL conducted a self-assessment of the WL fire protection program against CSA N393-13, <i>Fire protection for facilities that process, handle, or store nuclear substances</i> [10], revealing deficiencies in firefighter training records and equipment inspection procedures. This led to CNL reporting the event to the CNSC and implementing a safe shutdown at the WL site for essential maintenance. Subsequent regulatory actions included a focused technical meeting and a 12(2) request for CNL to address the identified deficiencies promptly. The Commission has been previously informed of the WL fire protection program deficiencies (FPP) and site stand down of operational activities as part of CNSC staff regulatory oversight on June 28, 2023 in Event Initial Report (CMD 23-M25).</p>	<p>Fire protection issues are a common theme in the ROR, across CNL sites. What efforts are the CNSC and CNL taking to the apparent systemic management oversight problems related to emergency management and fire protection?</p>



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	During a self-assessment of the fire program at Gentilly-1 Waste Facility, CNL uncovered that a mutual aid agreement between the Municipality of Bécancour Fire Department and the Hydro-Quebec Gentilly-2 site did not specifically include Gentilly-1 Waste Facility.	
Reportable events - Emergency Management and Fire Protection	There are over 20 reportable events in the category of Emergency Management and Fire Protection across all CNL sites.	Fire protection issues are a common theme in the ROR, across CNL sites. What efforts are the CNSC and CNL taking to the apparent systemic management oversight problems related to emergency management and fire protection?
Reportable events - Emergency Management and Fire Protection	During a self-assessment of the fire program at Gentilly-1 Waste Facility, CNL uncovered that a mutual aid agreement between the Municipality of Bécancour Fire Department and the Hydro-Quebec Gentilly-2 site did not specifically include Gentilly-1 Waste Facility.	Please provide evidence that the other CNL facilities subject to this ROR have up-to-date mutual aid agreements or similar with local fire departments. What efforts are the CNSC and CNL taking to make sure that mutual aid agreements are regularly updated with municipal fire departments, and other emergency response programs at all CNL sites?
Ontario Provincial Nuclear Emergency Response Plan (PNERP)	MSIFN has recently begun collaborating with Minister of Community Safety and Correctional Services of Ontario on the Ontario's Provincial Nuclear Emergency Response Plan (PNERP). The PNERP includes reactor facilities and nuclear establishments regulated by the CNSC, and covers topics including:	The ROR makes no reference to the PNERP. Please explain how the PNERP is woven into the CNSC ROR approach. Please explain how CNL is engaged in the PNERP, and which facilities are subject to the PNERP.



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	<ul style="list-style-type: none"> • Preparedness • Provision of Personnel (liaison and arrangements with local public safety authorities) • Response • Training and Exercises <p>In 2015, the CNSC and OFMEM entered into a Memorandum of Understanding (MOU) to cooperate in carrying out their respective mandates under the federal <i>Nuclear Safety and Control Act (NSCA)</i> and the provincial <i>EMCPA</i> with respect to nuclear safety regulation, public safety and protection of the environment in the province of Ontario</p>	<p>What role will the CNSC and CNL be playing in the next iterations of the PNERP?</p> <p>Given that fire protection issues are a common theme in the ROR, across CNL sites, what efforts are the CNSC and CNL taking to engage with Ontario, municipalities, and First Nations with respect to fire protection topics:</p> <ul style="list-style-type: none"> • Preparedness • Provision of Personnel (liaison and arrangements with local public safety authorities) • Response • Training and Exercises
<p>Ontario Provincial Nuclear Emergency Response Plan (PNERP)</p>	<p>First Nation involvement in the Ontario PNERP.</p> <p>The ROR makes no reference to the PNERP or the 2015 CNSC-OFMEM MOU.</p>	<p>Please explain how the CNSC is engaging Ontario and First Nations in Ontario with respect to the 2015 CNSC-OFMEM MOU in relation to:</p> <ul style="list-style-type: none"> • Preparedness • Provision of Personnel (liaison and arrangements with local public safety authorities) • Response • Training and Exercises <p>Please explain how the 2015 CNSC-OFMEM MOU connects with CNL and its facilities.</p>



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<p>Ontario Provincial Nuclear Emergency Response Plan (PNERP)</p>	<p>The PNERP Section 3.2 “Components of Nuclear Emergency Preparedness” includes the following topics of coordination among organizations jointly coordinating:</p> <ul style="list-style-type: none"> - Program Management – including responsibility, accountability, authority, funding and resources - Planning Basis – including Emergency Response Organizations other than nuclear facilities aligning plans with the PNERP - Communication – including implementing and maintaining communication procedures - Emergency Management Coordinating Committees - Organizational Structure – including requirements for collaborating organizations to develop and document the structure of their Emergency Response Organization in their nuclear emergency response plans - Facilities and Equipment – including collaborating organizations’ operations centres, information centres, other emergency centres, telecommunication facilities and 	<p>MSIFN Consultation recommends that future CNSC RORs include assessment of Ontario nuclear facility operators’ compliance with the Ontario PNERP. Please explain how this will happen with respect to CNL, and other CNSC regulated nuclear reactor facility managers.</p>
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	<p>equipment, computers and other technology, field monitoring vehicles and radiological surveying equipment, etc.</p> <ul style="list-style-type: none">- Training – including collaborating organizations organizations “should define and document their nuclear emergency training requirements to improve individual and team proficiencies”, and alignment of training plans- Exercises – including collaboration and planning on large scale multi-jurisdictional exercises- Public Awareness and Education- Alerting, Notification and Response Systems- Evacuation and Relocation Planning- Iodine Thyroid Blocking	
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Miigwech,

Mississaugas of Scugog Island First Nation

Consultation Department