



**Written submission from the
Nuclear Transparency Project**

**Mémoire du Projet de
transparence nucléaire**

**Regulatory Oversight Report for
Uranium Mines, Mills, Historic and
Decommissioned Sites in Canada: 2023**

**Rapport de surveillance réglementaire
des mines et usines de concentration
d'uranium et des sites historiques et
déclassés au Canada : 2023**

Commission Meeting

Réunion de la Commission

January 29, 2025

29 janvier 2025



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Submitted via email

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To President Tremblay and Members of the Canadian Nuclear Safety Commission,

Re: Canadian Nuclear Safety Commission Staff's Regulatory Oversight Report
for Mines and Mills: 2023

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 to CNSC staff for machine readable formats of selected figures from last year's ROR. We are currently in the process of organizing and further analyzing these sources which are also helping to form the basis of an internal database from which we hope to be able to provide more value added insights in the near future.

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, data analyst and engineer Alan Rial, M. Eng., and student researcher Alexandra Chernoff.

Our submissions have been divided into three parts. The first part contains a review of the current ROR for uranium mines and mills. The second part contains recommendations to increase the amount of publicly accessible data collected by these mines and mills. The third part contains NTP's more general recommendations to improve the ROR intervention process for future ROR meeting proceedings. Our comments in these three parts have been drafted to build on the last two years' worth of recommendations we have made during ROR proceedings, elaborating further on some of them and reporting on the progress of implementing others.

PART ONE: NTP's review of the ROR

First, NTP appreciates the new standardized format of this ROR. While this new format is easier to navigate than previous RORs, we can also see how this change will facilitate easier comparison between this year's ROR and future RORs for uranium mines and mills. The new format will also assist with comparisons between RORs for different types of licensee each year. In this way, the new format is a positive development that improves both the accessibility and public utility of CNSC RORs.

Second, the inclusion of dashboards for mines and mills – and their availability in machine-readable formats through the Open Government data portal – is another positive development that increases the usability and transparency of these resources. This is a measure we hope other RORs will adopt in the future.

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

In our last two years' of interventions for this ROR, we advocated for greater proactive disclosure of environmental data. In particular, we identified the following areas of data as a good starting point for wider disclosure: groundwater, stormwater, and ambient air quality data, as well as results from fish toxicity testing, and disaggregated liquid effluent from tailings management facilities.

For two years now, NTP has also noted in our interventions that uranium mining and milling operations do not post their Environmental Risk Assessments (ERAs) to their websites, as is required by REGDOC 3.2.1. To date, it still appears as though Cameco operations only post short summaries of their ERAs online and Orano notes their ERA can be provided upon request. Neither meet the clear requirements of the REGDOC which states,

“if a licensee is required to conduct an environmental risk assessment (ERA) and/or a probabilistic safety assessment (PSA), the ERA and a summary of the PSA must be posted on the licensee’s website.”

Cameco is currently in the process of denying to disclose its Beaverlodge ERA in the hearing to determine whether to revoke CNSC oversight of the Beaverlodge site.¹ Cameco’s request to treat its ERA as confidential is being made to the Commission Tribunal despite the fact that Cameco also relies on the ERA for the technical and scientific evidence to support its assertions about environmental safety.² Cameco is also required to proactively disclose its ERA by its current licence and Licence Control Handbook, which incorporates requirements from REGDOC 3.2.1.

It remains especially disheartening and concerning that despite the fact that ERA disclosure is required by the regulator, and despite the fact that we notified the Commission that this was not being implemented by licensees for the last two years, mines and mills ERAs have still not been posted online in full.

Recommendation 1: that Commissioners use the upcoming meeting for this ROR to inquire about why neither licensee is posting their ERAs in full on their website.

Recommendation 2: that Commissioners use the upcoming meeting for this ROR to require that ERAs be posted for each facility covered by this ROR in advance of next year’s ROR intervention period.

Finally, NTP has advocated for more detailed public reporting for planned and unplanned events at nuclear facilities in its past ROR submissions as well as more recently public consultations.³ To date, not much progress has been made on this issue. However, we would still submit that the following information should still be required to be publicly disclosed by licensees for planned and unplanned events:

- The date, time, and duration of the event;
- Location of the event;
- Any measured releases to the environment on- and/or off-site. Here, concentration and/or activity (preferably in sieverts or grays in addition to becquerels) and

¹ See: <https://api.cnsccsn.gc.ca/dms/digital-medias/Request-for-Confidentiality-Beaverlodge-CMD25-H3.pdf/object>.

² See: Nuclear Transparency Project, submissions for Cameco’s application for the CNSC to revoke its licence for the Beaverlodge site, December 10, 2024.

³ See: Nuclear Transparency Project, submissions for public consultation concerning REGDOC 3.2.1, December 5, 2024.

volumes should be provided. If no measurements are taken, reasons for this should be provided along with estimated release concentrations and volumes;

- Relevant licence limits, i.e. facility-specific action levels, derived release limits as well as applicable regulatory environmental standards or release limits; and
- A description of any mitigation and follow-up monitoring efforts, including any available monitoring data.

Recommendation 3: that the CNSC encourage licensees to disclose event reports to the public that at least share the following information:

- a. The date, time, and duration of the event;*
- b. Location of the event;*
- c. Any measured releases to the environment on- and/or off-site. Here, concentration and/or activity (preferably in sieverts or grays in addition to becquerels) and volumes should be provided. If no measurements are taken, reasons for this should be provided along with estimated release concentrations and volumes;*
- d. Relevant licence limits, i.e. facility-specific action levels, derived release limits as well as applicable regulatory environmental standards or release limits; and*
- e. A description of any mitigation and follow-up monitoring efforts, including any available monitoring data.*

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

Two years ago, NTP had requested more time to prepare our ROR interventions. Last year and this year, the CNSC responded by increasing the amount of time between funding decisions, ROR publication, and the final due dates for intervenors' written submissions. This year, we received a participant funding decision in mid-September, we received the ROR draft in mid-October, and our comment deadline was now in mid-December. At the same time, these timeframes were one month later than last year's. Consistency in these timelines from year to year would be helpful as it would allow our organization to effectively plan how it will undertake its funded work and coordinate tasks between different NTP contributors.

Recommendation 4: that timeframes for ROR interventions continue to provide at least 12 weeks between funding decisions and final submission due dates; at least two months between the publication of RORs and final submission due dates; and that these dates for each step of the ROR process remain consistent from year to year.

In previous years, NTP has also requested the ability to present oral submissions at Commission meetings to consider RORs. This used to be an automatic aspect of ROR interventions, but in recent years has only been extended to intervenors when RORs coincide with mid-term licensing updates from specific facilities. With longer licence terms being approved for nuclear facilities over the last few years, and smaller panels of CNSC

Commissioners being convened for licence hearings, opportunities for civil society organizations to engage with Commissioners has become increasingly limited. However, interacting with Commissioners during meeting and hearing proceedings has the potential to significantly improve the quality of engagement with intervenors' submissions, offering more opportunity for mutual learning and increased familiarity with organizations' advocacy priorities and the CNSC's mandate and approach to related issues.

Recommendation 5: that opportunities to make oral submissions at ROR meetings be extended to all intervenors, ensuring more meaningful opportunities to contribute to the public record for these ROR proceedings.

Last year, NTP wrote in support of the Ya'thi Néné Lands and Resources' submissions requesting more time and better translation services for these ROR meetings. We explained how our organization did not have any contributors from or living in Nuhenéné. As such, when engaging on issues relating to nuclear infrastructure there, we continue to learn about our responsibilities to Nuhenéné and Denesūliné Nations. It is our privilege and duty to learn from Denesūliné representatives who are deeply connected to, and have always governed, their homelands. Interventions are not only sources of information or perspectives for CNSC staff and Commissioners. They are also opportunities for the public and civil society organizations, such as our own, to learn and deepen our own understandings of nuclear infrastructures and their contexts. This year, we again support Ya'thi Néné Lands and Resources' calls for better procedures to support their intervention.

Recommendation 6: for the Commission to ensure their procedures support Indigenous intervenors to engage as these intervenors choose and require.

NTP would also recommend that CNSC staff institute a more detailed method to track funded intervenors' concerns from year to year. Currently, CNSC staff only do this for Indigenous intervenors. However, as CNSC staff have already undertaken the practice of responding to intervenor information requests and recommendations in writing between RORs, including these interactions or summaries of them, would help Commissioners to understand how CNSC staff address intervenors concerns more specifically. It would also more transparently convey what progress, if any, is made on individual issues raised by intervenors from year to year.

Recommendation 7: that CNSC staff institute a more detailed method to track funded intervenors' ROR concerns from year to year.

Finally, 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 8: that the CNSC's PFP develop more specific and expansive intervenor funding criteria, in consultation with members of the public and public interest organizations.