

Canadian Nuclear  
Safety Commission



Commission canadienne  
de sûreté nucléaire

Minutes of the Canadian Nuclear Safety  
Commission (CNSC) Meeting held on  
January 28, 2016

Chair and Secretary

4. The President chaired the meeting of the Commission, assisted by K. McGee, Assistant Secretary and S. Dimitrijevic, Recording Secretary.

Minutes of the CNSC Meeting Held December 17, 2016

5. In reviewing the draft minutes from its December 2015 meeting, the Commission enquired whether the Office of the Fire Marshal and Emergency Management Ontario (OFMEM) had addressed all of the Nuclear Emergency Management Coordination Committee's feedback, as mentioned in paragraph 41 of the Minutes, and whether CNSC staff had received the complete information. CNSC staff responded that they had received the information and were preparing feedback for the OFMEM. CNSC staff added that they would provide an update on the status of the review at the next Commission meeting.
6. The Commission also enquired about the progress on defining the objectives for the exercise at Bruce Power planned for 2016, as specified in paragraph 62 of the Minutes. The representative from Bruce Power responded that the meeting for the emergency exercise planning with the provincial officials and CNSC staff had been scheduled for February 4, 2016.
7. The Commission members approved the minutes of the December 17, 2015 Commission meeting as presented in CMD 16-M3.

ACTION  
by  
April 2016

STATUS REPORTSStatus Report on Power Reactors

8. With reference to CMD 16-M4, which includes the Status Report on Power Reactors, CNSC staff presented updates on the status of the Pickering Nuclear Generating Station (NGS). CNSC staff reported that Unit 1 and Unit 6 were expected to be back up to full power on January 28, 2016 and around February 1, 2016, respectively. CNSC staff added that the fuelling machine unavailability for these units, which had caused the problem, was operational and had not impacted the safety of the operation.

*Darlington NGS*

9. The Commission sought more information regarding the increased erosion on the inlet end of heat exchanger tubes at the Darlington NGS. CNSC staff noted that the issue was not with the main heat exchangers for cooling the reactors but with much smaller

generator seal oil heat exchangers. CNSC staff specified that they were concerned with the environmental impact on cooling water to Lake Ontario if an oil leak from these heat exchangers was to occur. A representative from OPG explained the measures taken to rectify the problem and added that they had replaced all 18 heat exchangers on all four units and that further issues with these new heat exchangers were not expected.

10. The Commission asked for clarification of the phrase “inadequate risk perception around guaranteed devices”, which had been determined to be the primary cause for the leak of heavy water, and the phrase “ineffective evaluation and application of OPEX”. CNSC staff responded that, since the situation had arisen during a maintenance activity, the phrases needed to be applied across the whole fleet of reactors. The OPG representative provided a detailed description of the heavy water leak event and clarified that a worker, who inadvertently impacted one valve and caused the leak while working on another component, had an inadequate risk perception of the work being performed. The OPG representative stated that they had upgraded work orders, delivered training on updated tools and revised their field planning worksheets to increase awareness. CNSC staff added that they were satisfied with the corrective actions and would continue to verify the implementation of the process improvements.
11. The Commission expressed concerns that this event demonstrates that training and working procedures were not adequately addressed. The OPG representative responded that this situation had been a particular one and that the actions taken by OPG aim at preventing the occurrence of similar problems with other valves.

*Point Lepreau NGS*

12. The Commission asked whether the reports on different assessments completed as part of the probabilistic hazard assessment were publically available. A representative from NB Power responded that the reports were available and that they were creating a website release to inform the public of the status of these reports. The Commission requested that CNSC staff provide an update to the Commission upon the completion of the work on all related actions. CNSC staff confirmed that NB Power had submitted the report to CNSC staff and posted the report on its website in October 2015, and committed to providing an update to the Commission by August 2016 with the *Annual Regulatory Oversight Report for Nuclear Power Plants, 2015*. CNSC staff will also inform the Commission Secretariat when the reports are posted on the NB Power website.

ACTION  
by  
August 2016

*Pickering NGS*

13. The Commission noted that OPG had made a unilateral decision to cease corrective actions necessary for compliance with conditions of its operating licence, and enquired about the enforcement strategy regarding the Administrative Monetary Penalty (AMP) issued by the CNSC on January 12, 2016. CNSC staff stated that a situation like this does not occur very often, and that CNSC staff follows a process map and applies a graduated enforcement approach. CNSC staff added that OPG has until February 11, 2016 to determine whether they want a review of the AMP<sup>1</sup>, and that CNSC staff is communicating with OPG to address disagreements and ensure fulfilment of all regulatory requirements.
14. The Commission asked about the availability of fueling machines at the Pickering NGS. CNSC staff responded that two machines were not functioning properly. CNSC staff noted that the issues with the fueling machines at the Pickering A NGS are recurring, even though they had been repaired four years ago. CNSC staff noted that the issue was more of an economic issue than a safety issue. The OPG representative stated that OPG's forced loss rate at the Pickering NGS in 2015 had been the best in its operating history, due in part to improved fuel handling and fueling machine performance. The OPG representative added that they were continuing to improve the fueling machine reliability through targeted rehabilitation work.

*Bruce Power*

15. The Commission sought more information regarding the beginning of activities related to the planned refurbishment of the facility. The representative from Bruce Power responded that their intention was to start with the refurbishment of Unit 6 early in 2020. Bruce Power stated that it plans to apply for the renewal of their operating licence in 2018 in order to provide ample time for the Commission to study the integrated implementation plan and the global assessment report before the start of refurbishment activities. The Bruce Power representative added that they started submitting the safety factor reports in 2014 and that CNSC staff is already engaged in reviewing those.

Event Initial Report (EIR)*Cameco/RSB Logistic: transport accident near Swift Current, SK*

16. With reference to CMD 16-M8 and CMD 16-M8.A, CNSC staff presented information regarding the transport accident involving uranium concentrate near Swift Current, SK. The event occurred

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<sup>1</sup> OPG applied for a review of the AMP on February 11, 2016. The Commission will therefore undertake the review in accordance with s. 65.12 of the *Nuclear Safety and Control Act*.

on January 11, 2016. Transport Canada's emergency centre, CANUTEC, RSB Logistic, the carrier for the shipment and Cameco, the licensee to which the shipment was destined, had contacted CNSC staff to report that a shipment of natural uranium concentrate had been involved in a road accident near Swift Current, Saskatchewan. CNSC staff provided a detailed description of the event, immediate actions, public notifications, removal of the vehicle and cleaning of the site.

17. The Commission expressed its satisfaction with the fast and effective response, and asked if anything could have been further improved. CNSC staff responded that one of the lessons learned was to ensure that CNSC staff in the regions, although primarily focused on their specific areas of the regulatory oversight, receive appropriate training in the area of transportation of dangerous goods and emergency response. A representative from Cameco stated that they were satisfied with the response. A representative from RSB Logistics shared Cameco's opinion that the recovery had been performed as well as could be expected. A representative from the Saskatchewan Ministry of Environment added that the response to the event had been well planned and executed, and underlined the importance of joint training and continuous communication between all responders in order to maintain good synchronisation of their actions in the future.
18. The Commission asked if the action would have been as successful if the event had occurred on a road outside of the province of Saskatchewan. The Cameco representative responded that Cameco has an emergency response assistance plan that requires Cameco to be able to provide timely response, and that a third party contractor, Envirotec, is available to assist during road transportation accidents anywhere along a shipping route.
19. The Commission asked about the potential cause of the accident. The RSB Logistics representative stated that an accident report had been filed and that the accident resulted from the driver's overcorrection after the vehicle had veered onto the shoulder. The representative also noted that the driver had been subjected to drug and alcohol testing and the test results confirmed that the driver had been in compliance the entire time.
20. The Commission further asked how well the drums were secured within the container. The Cameco representatives responded that the drums had been properly secured in accordance with international requirements, and that the packing configuration had been reviewed by the Australian authorities (the shipment originated from Australia). The Commission asked CNSC staff to reiterate certification of containers used for transporting yellowcake. CNSC staff explained the differences between

certified packages such as the one involved in the accident in the Halifax harbour in 2014 and ISO freight containers for marine transport, which were used for this transport and which are designed to certain requirements. CNSC staff explained that, in this case, the packages were drums designed to meet the requirements specified in the IAEA regulations, and the freight container was an overpack used to carry all the drums.

21. Noting a small contamination on the outer surface of the container, the Commission asked whether the drums had been punctured. The Cameco representative responded that the container had not been opened in order to avoid potential contamination, and that it would be sent to their facility at Blind River. The status of the drums would be checked upon opening the container. CNSC staff added that a report would be presented to the Commission after the inspection of the drums.

ACTION  
by  
April 2016

22. The Commission asked about the frequency of similar accidents. CNSC staff responded that, with the exception of small and rare reports of contamination events within containers, due to improper sealing of drums, and one event involving a marine shipment of yellowcake, this event was the first road accident in Canada.
23. The Commission asked how soon after the accident the first contamination surveys had been done. CNSC staff responded that the first measurements had been obtained the following morning, because the container needed to be secured first to mitigate physical hazards. The first measurements have shown a radiation level only slightly above the background, originating from gamma radiation and consistent to what could be expected from an intact container. The Cameco representative explained that the material in question has very high specific gravity and is not likely to become airborne, and that this material represents a risk only if it is inhaled or ingested. Both CNSC staff and the Cameco representatives stated that the highway closure, which had lasted for about 30 hours, had not been done because of radiation hazard, but rather to assure the safety of the crews retrieving the truck, trailer and the container.
24. The Commission enquired about the extent to which the first responders were trained for handling radioactive materials. CNSC staff responded that all the first responders receive the *Emergency Response Guidebook* produced by Transport Canada and other agencies such as the US Department of Transport that includes emergency measures for all dangerous goods that are transported. Using the transport documents which included emergency phone numbers to be called, the first responders had contacted CANUTEC, the Emergency Response Assistance Plan had been activated, and Cameco had been notified and sent their team to do

the cleanup. In addition, firefighters had received the necessary training. CNSC staff added that they had previously delivered training across the country to a number of different responding groups.

25. The Commission further enquired about RSB Logistics' requirements for driver training and qualifications. A representative from RSB Logistics responded that their drivers, upon employment, receive initial orientation training in dangerous goods and specific Class 7 training, as well as recurring training every two years during the period of employment. The Cameco representative added that they audit RSB Logistics on an annual basis looking for assurances related to drivers' training and the management systems related to transportation. The Cameco representative stated that they had been fully satisfied with the safety record and the system that the RSB Logistics has in place.

*Canadian Nuclear Laboratories (CNL): occurrence at the Chalk River Laboratories*

26. CNSC staff presented to the Commission a report on a significant development following an occurrence at the Chalk River Laboratories (CRL) operated by CNL in Chalk River, ON. CNSC staff reported that they had been informally notified of an occurrence at the CRL involving the failure of a fuel caddy during the preparation of spent fuel assemblies from the National Research Experimental (NRX) reactor for transport to the United States. CNSC staff provided details of the event that had occurred on October 28, 2015. CNSC staff was verbally informed on November 27, 2015 and during meetings with CNL on December 3 and December 4, 2015. During the last meeting, CNSC staff requested a formal report on the event, as required by the *Packaging and Transport of Nuclear Substances Regulations, 2015*<sup>2</sup>. A preliminary report was submitted to the CNSC on December 11, and was followed by a formal event report submitted on December 17, 2015. A root cause analysis was submitted to the CNSC on January 25, 2016.
27. CNSC staff stated that, while there were no releases of radioactive contaminants, no damage to the fuel assembly and no impact on the health and safety of persons or the environment, a review of the event has identified deficiencies in CNL's management system. While the *Packaging and Transport of Nuclear Substances Regulations, 2015* require an immediate report to the CNSC, verbal notification was provided only 30 days after the occurrence and the formal report was provided 50 days after the occurrence. Additionally, despite the event, an NRX fuel shipment that had been previously loaded took place 12 hours after the event and

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<sup>2</sup> SOR 2015-145

before the implications of the event could have been adequately assessed. CNSC staff stated that it would consider appropriate regulatory action based on its assessment of the information submitted by CNL and NAC International, manufacturer of the transport package, as well as the U.S. Nuclear Regulatory Commission's (NRC) assessment report. CNSC staff will provide a report detailing the results of its assessment to the Commission by April 2016.

ACTION  
by  
April 2016

28. The Commission asked for the reasons reporting had been delayed. A CNL representative responded that, when the event had occurred, there was a delay in communication because the first priority of workers involved had been to verify the integrity of the fuel assembly and to recover the end plate of the caddy. The event was reported to the National Research Universal (NRU) reactor management and they looked at it from the perspective of the licence and Licence Condition Handbook around the operation of NRU and determined that it was not reportable. The licensee initiated an internal event investigation that had proceeded on CNL's internal timelines, not on the CNSC reporting timelines. CNSC staff stated that the reportability of the event had been discussed during the meetings with CNL, and explained that the event was reportable under the *Packaging and Transport of Nuclear Substances Regulations 2015*.
29. The Commission further asked why the event was not reported under the clause of proactive disclosure. The CNL representative responded that they could not debate this point and agreed that, in the future, CNL needs to be more conservative in its decision-making on proactive disclosure.
30. The Commission enquired about CNSC staff's slow reaction to this event. CNSC staff responded that CNSC staff had learned about the event at one of its monthly meetings with CNL staff; the meeting focused on the failure of the caddy in the NRU fuel pool and the fact that the assembly had dropped, which, because there was no damage to the assembly, was deemed an operational incident. CNSC staff added that the onsite staff had inspected every step of the process, but not for every shipment. The event took place in the evening when CNSC inspectors were not present. At that time, the event was considered an operational occurrence. CNSC staff added that loading caddies, baskets and the canisters are not continuous operations; therefore, CNSC staff would not necessarily become aware of a suspension of one or all of these activities.
31. The Commission questioned CNL's existing reporting practice in terms of safety culture, and expressed its concern regarding both their lack of conservative decision-making when assessing their



reporting obligations and the resulting delay in oversight by CNSC staff. The Commission noted that the management of the event demonstrated a difference in CNSC staff's and CNL's approach to the event and insisted that, in the future, such differences must be clarified more efficiently and rapidly. CNSC staff committed to reviewing its compliance oversight on the site and will note lessons learned about how to improve the process.

32. The Commission asked if CNL had communicated the potential problem with the shipment to the transporting company. The CNL representatives responded that they did not. Instead, CNL had informed the cask owner, NAC, since the shipment had already arrived at its final destination in the meantime.
33. The Commission asked how often CNL communicates with CNSC staff onsite. The CNL representative responded that CNSC staff is permanently present at the site and that CNSC communicates with different levels of CNL staff; however, it would not be uncommon that several weeks pass between discussions of CNSC staff on site with senior CNL staff.
34. The Commission asked if CNL had audited NAC, the caddy manufacturer. The CNL representative responded that the design of the caddies was done by NAC under contract from CNL and the manufacturing of the caddy was done by a subcontractor to NAC. The CNL representative added that CNL's investigation had found a weakness in the cascading of their engineering requirements through the process of procurement, as well as a weakness in QA surveillance of the manufacturing. This was identified as an area that needs improvement.
35. The Commission asked for more information on the communication between the CNSC and the US NRC. CNSC staff responded that they had notified the US NRC of the event and the US NRC had followed up with NAC to clarify NRC reporting requirements.
36. The Commission asked NAC for their submission regarding this event. A NAC representative responded that they regard this as a failure of their quality assurance program to fully implement the surveillance of their vendors in the fabrication of these parts. The caddies were specified to be fabricated and inspected under certain codes, and purchased from a quality-approved vendor whose quality assurance program was reviewed and approved by the U.S. NRC. The CNL representative added that they had conducted an initial inspection on receipt of the caddies, which included a visual inspection to ensure that there was no damage during shipment.

The caddies, before being put to service, were visually inspected for unexpected damages, but not to identify whether they met the manufacture specifications.

37. The Commission enquired about regulatory oversight of shipments destined out of the country. The CNL representative responded that the required permits were applied for and obtained in advance, and that the containers have the required certification for transport in Canada and in the U.S. There was no final CNSC approval required in order to initiate the shipment.
38. The Commission noted CNL's view that the event was an operational occurrence, and thus not reportable. However, CNSC staff explained that the event was reportable under the *Packaging and Transport of Nuclear Substances Regulations*. The Commission noted there was a need for greater clarity on the role, meaning and application of proactive disclosure in the regulatory requirements. CNSC staff confirmed that they were in the process of developing a regulatory document that will combine reporting requirements outlined in licences with reporting requirements specified in regulations.

#### Updates on items from previous Commission proceedings

*Ontario Ministry of Environment and Climate Change (MOECC): an update on the non-radioactive release at the decommissioned Deloro mine site*

39. With reference to CMD 16-M6 and CMD 16-M6.A regarding updates to items from previous Commission proceedings, CNSC staff presented information regarding an unplanned release of non-radioactive construction wastewater to Young's Creek that had occurred at the Deloro closed mine site in the spring of 2015 and that had been reported to the Commission at a public meeting on June 17, 2015. CNSC staff provided the description of the site and cleanup project, as well as background information and detailed description of the event. CNSC staff reminded the Commission that the assessment results presented during the Commission meeting on June 17, 2015 had demonstrated that the event had not caused an environmental impact. However, the CNSC Designated Officer had issued an Order directing the MOECC to:
  - cease any remediation activities that could increase environmental risk from cleanup work at the Young's Creek Area project;
  - immediately develop and implement a contingency plan to deal with the exigent circumstances at the site and submit this plan to the CNSC within 30 days;
  - prepare a project contingency plan for submission within 60 days;

- submit documentation on licensee oversight of the project within 90 days; and
- prepare a winter and spring management plan to be submitted to the CNSC within 120 days.

The Commission had confirmed the Designated Officer Order issued to the MOECC on June 30, 2015.

40. CNSC staff further informed the Commission about the actions and improvements implemented by the MOECC to comply with the Order, as well as about inspections conducted by CNSC staff to assess the status of the site and to evaluate the MOECC's compliance with the Order, the *Nuclear Safety and Control Act* (NSCA), regulations made pursuant to the NSCA and the licence. Following those inspections, CNSC inspectors issued the MOECC seven action notices and four recommendations covering operating performance, human performance, radiation protection, conventional health and safety and waste management. CNSC staff noted that all of the action notices had been closed except for one pertaining to human performance. Based on results from an inspection conducted in November 2015, CNSC staff stated that the Young's Creek Area is in a safe state for the winter. CNSC staff further stated that the MOECC had met the timelines specified in the Order for submission of several documents. CNSC staff had reviewed the submitted documents and requested that the MOECC provide further details on the spring time management component of the plan. CNSC staff also requested that the MOECC provide additional information on monitoring and licensee oversight of the Young's Creek Area. This additional information is required to demonstrate the safe resumption of activities in the spring. The MOECC representative noted that they had recently submitted information that had been additionally requested by CNSC staff.
41. Representatives from the MOECC presented to the Commission some of the specific details of the MOECC's actions undertaken in response to the event and to the CNSC Order. They explained that the water that was released was rainwater and groundwater that had been in contact with contaminated sediment and contained metals in concentrations consistent with history of contamination in the Young's Creek area.
42. The MOECC representatives also informed the Commission about the MOECC's improved and enhanced communication protocols between the contractor working on the project, the contract administrator, and the MOECC Deloro team, as well as other changes made to ensure that potential issues are detected and communicated immediately and that appropriate actions are taken quickly. The final remediation for the Deloro mine site clean-up project is 75 % complete and finalisation of the project is targeted for 2018.

43. The Commission enquired about the nature of the implemented improvements. The MOECC representative described examples of improvements, stating that some were safety improvements and others were mostly a combination of safety and process improvements. As a result of these improvements and other measures, the large amount of arsenic going into the Moira River is reduced by 80%, and for most of the year its concentration meets the provincial water quality objectives.
44. The Commission sought more data about the concentration levels of other contaminants, including radionuclides, and asked if CNSC staff does independent monitoring of contaminants. The MOECC representative responded that the analyzed radionuclides include radium-226, thorium-230, uranium-234 and uranium-238, and that all concentrations were at least ten times lower than the Health Canada guideline for drinking water quality. CNSC staff added that, during two of their inspections, they had collected water and soil samples, and that the Deloro site would be included in the 2016 independent environmental monitoring program campaign. The results from that campaign will be available on the CNSC web site.
45. The Commission enquired about the public meetings held by the MOECC and asked about the main concerns raised or questions asked by the public during these meetings. The MOECC representative responded that their public meetings are organized three to four times per year, and that the concerns are typically related to the status of construction and the deadline for completion of the remediation project. Other issues include transportation routes in the area and community involvement. The MOECC provides annual reports to the public liaison committee on all water sampling with charts and data to inform the communities about the water quality.
46. The Commission asked about CNSC staff's review of the requested additional information that had been submitted by the MOECC. CNSC staff responded that the requested information had been received on January 12, 2016 and had been reviewed since. CNSC staff had planned a meeting with the MOECC in order to discuss the comments and resolve potential issues as soon as possible, so that the Order could be brought to closure.
47. The Commission expressed its satisfaction with the results achieved in the remediation project and with the completion targeted for 2018. CNSC staff confirmed that, once the site has been remediated and cleaned, and after a period of monitoring to demonstrate that the objectives of the environmental assessment have been met, the transfer into institutional control under the

provincial government could be considered. The MOECC representatives stated that they expect to be ready to present to the Commission, within two to three months, information and supporting facts to demonstrate that the levels of radioactive waste are sufficiently low to consider the transfer the control of the site to the province. CNSC staff stated that they would continue to report on the Deloro site status until it is transferred to institutional control by the province and as part of the regulatory oversight report for the Uranium Mines and Mills, the first of which is scheduled for the fall of 2016.

ACTION  
by  
Fall 2016

### INFORMATION ITEMS

#### CNSC Staff- Strategic Communications Directorate: *Meeting Our Mandate: Information Dissemination at the CNSC*

48. With reference to CMD 16-M7, CNSC staff presented information on the strategic communications activities carried out to inform the public about the CNSC's role as Canada's nuclear safety regulator. The presentation encompassed highlights of the mandate and legislative requirements, communications approach and activities, digital presence, and results of public and media inquiries. The presentation also included a description of outreach activities and internal and emergency communications. CNSC staff also presented CNSC regulatory requirements for licensees' public information and disclosure programs based on the regulatory and guidance document RD/GD-99.3, *Public Information and Disclosure*, and discussed the best practices observed.
49. The Commission enquired about objective evidence CNSC staff uses to evaluate the quality of their achievements in the area of communication, and to identify opportunities to improve. CNSC staff responded that there are valuable metrics that are offered through social media channels and through web analytics. CNSC staff follows qualitative data, such as feedback, social media, public inquiries, and face-to-face interactions during outreach activities. In terms of quantitative indicators, CNSC staff looks at analytics, the number of visitors, the number of views of CNSC posts, and the level of engagement. CNSC staff added that they also use benchmarking with similar organizations and compare indicators such as the number of subscribers.
50. The Commission enquired about opinion surveys and enquired about the level of trust in the information that is disseminated by the CNSC. CNSC staff responded that they use different methods to assess the public opinion, including public information research done by licensees. CNSC staff had initiated some programs as part of outreach activities, and asked the public to complete a feedback form to collect information on whether the outreach was effective

and did the participants learn the things they expected to learn from the CNSC. CNSC staff will soon be launching a similar program on the CNSC website, with an online survey on its website or through social media channels.

51. The Commission asked how CNSC staff ensures that information offered to the public is commensurate with the public's perception of risk and with the level of public interest, while keeping the independent position of the CNSC and avoiding a perception of promoting nuclear industry. CNSC staff responded that they focus on nuclear safety and on efforts to ensure that the public sees CNSC as a credible source of information, while the licensees have the responsibility to disseminate information about levels of risk with respect to their specific facilities. CNSC staff stated that they clearly communicate that the CNSC is Canada's independent nuclear regulator and that it reports to the Parliament of Canada through the Minister of Natural Resources Canada.
52. The Commission sought more detail regarding benchmarking and comparison with other Canadian regulators. CNSC staff responded that they do benchmark themselves against other Canadian regulators, and these benchmarking evaluations put the CNSC on par with other regulators. CNSC staff noted that they have a good number of followers on social media, and underlined that the Community of Federal Regulators had recognized that the CNSC has been making a good effort to try to communicate in innovative ways through social media and other means.
53. The Commission asked about activities at schools, through the Science Teachers' Association, and the like. CNSC staff responded that youth has been one of the key targeted audiences in CNSC's outreach campaign over the last couple of years and that there were successful presentations at Science Teachers' Association conferences in different provinces. As an example, CNSC staff mentioned that they had showcased some of the tools developed to assist science teachers and discussed some career profiles at the Science Teachers of Ontario Association's conference in November 2015.
54. The Commission asked about peer-reviewed publications published by CNSC staff last year. CNSC staff responded that articles published in journals are put on the CNSC website and distributed to all subscribers. CNSC staff noted that there is a special, recently developed science and technology section where all of the CNSC reports, technical reports and journals are listed.
55. The Commission noted that, among holders of Class II licences, there is a degree of difficulty in understanding what was specifically requested in regulatory requirements for their public

information programs, and asked CNSC staff whether they had created a guidance package for them. CNSC staff responded that, when the Class II facilities were identified as needing to adhere to Regulatory Guide RD/GD 99.3: *Public Information and Disclosure*, official correspondence was sent out to the facilities to clearly demonstrate the expectations, and one-on-one conversations had been held. In addition, specific targeted guidance material had been developed to help those licensees move forward with implementing that program. CNSC staff added that there was an ongoing discussion to integrate the information directly into this regulatory document to give a more enhanced guidance to the licensees.

56. The Commission enquired if there were other ways, not as regulatory requirements, that the CNSC could use for dissemination of scientific information to the public. CNSC staff provided an example of an outreach activity to the medical community where CNSC staff participated in medical conferences and developed an infographic that explains and provides examples of the different doses to help family physicians in their discussion with patients on radiation.

#### DECISION ITEM

##### Regulatory Document REGDOC-3.2.2, *Aboriginal Engagement*

57. With reference to CMD 16-M5 and CMD 16-M5.A, CNSC staff presented to the Commission the draft regulatory document REGDOC-3.2.2, *Aboriginal Engagement*, for the approval for publication and use by CNSC staff. CNSC staff presented the CNSC Regulatory Document Framework and explained the place of this REGDOC in it. CNSC staff provided background information regarding the duty to consult, described the main features of the REGDOC-3.2.2, and highlighted new expectations of licensees. CNSC staff noted that, although high-level guidance was available on the CNSC's website, the goals of having early communication with licensees and to receive information on their engagement activities early in the review process had not been achieved regularly or in a consistent manner. An important purpose of this document was to improve this aspect of Aboriginal engagement. CNSC staff also provided corrections to detected errata and typos in the document, and explained the terminology used in the document.
58. CNSC staff further provided detailed information about the conducted Aboriginal and public consultation on the draft REGDOC-3.2.2, comments received and comments-based modifications of the originally proposed draft document. CNSC

- staff also informed the Commission about the planned implementation of the REGDOC-3.2.2.
59. The Commission enquired about participation of the industry and the Aboriginal groups in consultation and whether there were further reservations regarding the content of the document presented to the Commission for approval. CNSC staff responded that Aboriginal groups and the industry had been engaged after the disposition table had been set, and that a number of the changes had been made to address the comments that had been brought to their attention. Following public consultation activities relating to the development of the REGDOC-3.2.2, feedback on this regulatory document had been obtained through communication with Métis Nation of Ontario and Hiawatha First Nation. CNSC staff was of the opinion that they were satisfied with the revised version of the document. CNSC staff added that all of the comments have been addressed and that there were no outstanding significant concerns.
60. CNSC staff noted that the industry might still have some reservations about the way the document has been written. A representative from Bruce Power stated that, after intensive discussion with CNSC staff, they had some concerns about the way the requirements were stated in the document. Bruce Power noted that CNSC staff should provide an official view on who needs to be engaged and what levels of engagement are appropriate. The Bruce Power representative specified that, since the engagement is required very early in the process, it should be clear from the beginning who should be engaged so that there are no interested groups left out of discussions in the early stages. CNSC staff responded that they expect that licensees, together with an application for a project, provide information regarding interested groups and communities, and once an application is submitted CNSC staff will be ready to provide advice to licensees and engage the communities. CNSC staff noted that they wish to maintain flexibility in the process since a project might change, and therefore CNSC staff does not wish to set rigid requirements early in the process.
61. An Ontario Power Generation (OPG) representative stated that a few minor issues could be resolved through future discussions, including a suggestion to the Commission to expand information on who needs to be engaged and consulted and at what levels. The OPG representative added that CNSC staff had made a good effort in responding to the reviewer's comments and that the document provides clarity and good guidance. A representative from New Brunswick Power shared the opinion expressed by the OPG representative.



62. The Commission commented on the presented disposition table that includes the comments received through public consultation, and noted that the public comments have not been organized in the manner to represent differences between the results of the first and consecutive rounds of consultation, nor the degree of satisfaction of the public with modification of the document made after considering the comments, suggestions, etc.
63. The Commission also commented on the table presenting the consultation activity spectrum and pointed out to a lack of clarity with respect to categorizing the strength of claim and relating it to a potential for serious adverse impact. CNSC staff responded that the table was taken from the guidelines from the federal government<sup>3</sup>, and noted that the document was under review and that improvements were expected. CNSC staff also stated that they typically consult much more fulsomely than what is suggested in the document. CNSC staff committed to inform the Commission as this matter further evolves. The Bruce Power representative submitted that the industry is aware of some lack of clarity in the whole area of Aboriginal consultation and the difficulties that this lack of clarity causes, and noted that these difficulties are generally resolved through direct communication between interested communities and proponents. The Commission directed CNSC staff to make editorial changes and provide more clarity for the use of the document.
64. The Commission enquired about resources available to the Aboriginal communities for their participation in consultations, and whether proponents should take this matter into consideration. CNSC staff responded that the REGDOC 3.2.2 mirrors the existing federal guidance that encourages the provision of capacity, and stated that the CNSC has the ability to assist Aboriginal groups' participation through its Participant Funding Program.
65. The Commission further enquired about measures in place to encourage engagement of Aboriginal communities. CNSC staff responded that the Supreme Court of Canada had identified that Aboriginal communities do have an obligation to share information, including their asserted rights, and to identify adverse impacts when a licensee or the Crown engages them and asks for that information. CNSC staff stressed the importance of mutual trust and availability of resources for participation in the engagement and consultation process.
66. The Commission encouraged all efforts to build and improve capacity of Aboriginal groups to participate in consultations and

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<sup>3</sup> *Aboriginal Consultation and Accommodation: Updated Guidelines for Federal Officials to Fulfill the Duty to Consult*, Government of Canada, March 2011.

encouraged future proponents to obtain the support of the community for their projects submitted to the Commission through the licensing process.

67. The Commission asked about endpoints, goals and expected outcomes of consultations, viewed in terms of a whole process rather than as an activity that has to be conducted. CNSC staff responded that the consultations are expected to lead to identification of issues and concerns raised by Aboriginal communities that need to be either mitigated or would require accommodation measures. Based on relevant information submitted by CNSC staff and by the proponents, the Commission would render its decision on the duty to consult. CNSC staff noted the importance of documenting the consultation process from the earliest phases of each project.
68. The Commission asked whether the Aboriginal groups, who had questions regarding the document, had been given an opportunity and the capacity to come to this meeting to present their views. CNSC staff responded that there had been no requests from the groups to come to this meeting. CNSC staff noted that the Commission meetings are open to the public and are webcasted, but specified that invitations to participate had not been sent. CNSC staff added that the CNSC had provided participant funding for reviewing the document, and that the comments had been received and discussed during the meetings with the communities, after which the revised document had been sent back to the communities.
69. The Commission asked about ways to resolve potential disagreements that could occur between Aboriginal communities and a proponent. CNSC staff responded that, generally, the CNSC would assess the issue and moderate the consultation so that the licensees and the Aboriginal groups can work together through the review of the project. CNSC staff would make an effort to promote a positive, long-lasting and trustworthy relationship between licensees and the communities. The Commission can determine the duty to consult raised by the proposal and examine all of the information provided to decide if the duty was met. CNSC staff does not have any interest in financial agreements between licensees and the communities; however, if they have made agreements on mitigation or accommodation measures, they would be asked that this matter be brought to the CNSC's attention to help the Commission make its decision. The Bruce Power representative stated that Bruce Power would provide the Commission with all accommodation related information, and noted that they might have a contract with an Aboriginal group that is not related to the consultation.

70. The Commission asked whether so-called impact benefit agreements are part of these Aboriginal agreements. CNSC staff responded that such agreements have different objectives, and that they would ask only for information about such agreements, without requesting access to the entire agreement.
71. The Commission enquired about the translation of information into the native language of engaged Aboriginal groups. CNSC staff responded that, as best practices, a lot of licensees or proponents would provide translation into the local community languages of an executive summary and some key information about their large environmental assessments. If a licensee is giving a presentation at a community meeting it may be translated in the local community language or the licensee may hire a translator. CNSC staff added that there are lot of industry associations that provide guidance to proponents regarding this matter. Asked by the Commission about a number of complaints by the Aboriginal groups that they do not have the appropriate documentation to be able to provide their own ideas on a project, CNSC staff stated that the number of complaints is rather small. The Bruce Power representative confirmed CNSC staff's view and noted that there are generally small things that do not get resolved clearly, and those things get raised in hearings and other places to be dispositioned.
72. After considering the recommendations submitted by CNSC staff, the Commission approved, with minor editorial changes, the regulatory document REGDOC-3.2.2, *Aboriginal Engagement*, for publication and use.

DECISION

Closure of the Public Meeting

73. The meeting closed at 16:03.



\_\_\_\_\_  
Recording Secretary

17.05.2016.

\_\_\_\_\_  
Date



\_\_\_\_\_  
Secretary

13-05-2016

\_\_\_\_\_  
Date

APPENDIX A

CMD	DATE	File No.
16-M2	January 13, 2016	e-Docs 4911766
Agenda of the Meeting of the Canadian Nuclear Safety Commission (CNSC) to be held on Thursday, January 28, 2016 in the Public Hearing Room, 14 <sup>th</sup> floor, 280 Slater Street, Ottawa Ontario		
16-M2.A	January 21, 2016	e-Docs 4921388
Updated Agenda of the Meeting of the Canadian Nuclear Safety Commission (CNSC) to be held on Thursday, January 28, 2016 in the Public Hearing Room, 14 <sup>th</sup> floor, 280 Slater Street, Ottawa Ontario		
16-M2.B	January 26, 2016	e-Docs 4921388
Updated Agenda of the Meeting of the Canadian Nuclear Safety Commission (CNSC) to be held on Thursday, January 28, 2016 in the Public Hearing Room, 14 <sup>th</sup> floor, 280 Slater Street, Ottawa Ontario		
16-M3	January 26, 2016	e-Docs 4915886
Approval of Minutes of Commission Meeting held on December 17, 2015		
16-M4	January 25, 2016	e-Docs 4924718
Status Report on Power Reactors		
16-M8	December 17, 2015	e-Docs 4920444
Transport Accident Involving Uranium Concentrate Near Swift Current, SK Submission from CNSC Staff		
16-M8.A	January 28, 2016	e-Docs 4925877
Transport Accident Involving Uranium Concentrate Near Swift Current, SK – Presentation by CNSC Staff		
16-M9	January 28, 2016	Not publicly available
Event Initial Report – Canadian Nuclear laboratories: Incident during a security related training exercise - contains classified information and is not publicly available		
16-M6	January 12, 2016	e-Docs 4916590
Update on the non-radioactive release at the decommissioned Deloro mine Site Submission from CNSC Staff		
16-M6.A	January 28, 2016	e-Docs 4919904
Update on the non-radioactive release at the decommissioned Deloro mine Site Presentation by CNSC Staff		
16-M5	January 6, 2016	e-Docs 4902292
REGDOC-3.2.2, Aboriginal Engagement – Submission from CNSC Staff		

CMD	DATE	File No.
16-M5.A	January 28, 2016	e-Docs 4921609
REGDOC-3.2.2, Aboriginal Engagement – Presentation by CNSC Staff		
16-M7		e-Docs 4922817
Meeting our mandate: Information dissemination at the CNSC Presentation by CNSC Staff		