



File / dossier : 6.01.07

Date: 2020-10-23

Edocs: 6393667

Oral Presentation

Written submission from the Historic Saugeen Métis

In the Matter of the

**Canadian Nuclear Laboratories,
Douglas Point Waste Facility**

Application to amend the waste facility
decommissioning licence for the Douglas
Point Waste Facility

Commission Public Hearing

November 25-26, 2020

Exposé oral

Mémoire des Historic Saugeen Métis

À l'égard de

**Les Laboratoires Nucléaires Canadiens,
installation de gestion des déchets de
Douglas Point**

Demande de modification du permis de
déclassement de l'installation de gestion des
déchets de Douglas Point

Audience publique de la Commission

25 et 26 novembre 2020

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Historic Saugeen Métis
204 High Street
Southampton, Ontario
N0H 2L0
(519) 483-4000

October 23, 2020

Historic Saugeen Métis

**Written Submission to
Canadian Nuclear Safety Commission**

**Comments on
Canadian Nuclear Laboratories**

**Licence Amendment Application
Douglas Point Waste Facility**

CNSC Public Hearing
Scheduled for:

November 25 & 26, 2020
Kincardine, Ontario

Submitted by:
Historic Saugeen Métis

Table of Contents

	Page
Executive Summary	3
1.0 Overview of HSM Practices	4
2.0 History of HSM	4
2.1 Identity and Continuity	5
3.0 HSM Long-Term Environmental Goals and Objectives	6
4.0 Engagement Activities with Canadian Nuclear Laborites (CNL)	7
4.1 HSM-CNL Working Group Meetings	7
5.0 CNL Documents Review and Comments	8
5.1 Detailed Decommissioning Plan (DDP) 22-00960-001	8
5.2 Environmental Effects Review – Phase 3 Decommissioning	14
6.0 CNSC Engagement Activities with HSM	15
7.0 CNSC Commission Member Document (CMD) 20-H4	16
8.0 Conclusions and Recommendations	16
Appendix A – Engagement Record	
Appendix B – Letter of Support	

EXECUTIVE SUMMARY

Today, Historic Saugeen Métis (HSM) continue their subsistence fisheries and land-based harvesting practices and assert Aboriginal rights over the lands and waters surrounding the Bruce Site. These lands and waters provide vital support for our Métis culture and way of life, as well as the economy, health and social relationships in the HSM community.

HSM's intention with regard to the environment is long-term preservation of natural features and resources. HSM supports development that meets the needs of the present without compromising the ability of future generations to meet their needs, specifically where it relates to HSM's ability to continue their traditional harvesting practices, rights and interests.

Our concerns are for safe decommissioning of the former Douglas Point Nuclear Generating Station with minimal imprint on the water and lands that support our community's asserted Aboriginal rights. These are communal Aboriginal rights affirmed by Section 35 of the *Constitution Act* (1982), and relate to sustenance and harvesting on the land and in the waters surrounding the Bruce Site.

HSM has been engaged with Canadian Nuclear Laboratories (CNL) on the proposed licence amendment since December 2019. HSM first met with CNL on December 11, 2019 to discuss the licence amendment for the Douglas Point Waste Facility. Consultation with CNL has been respectful and informative in addressing HSM's comments related to the licence amendment. On July 30, 2020 HSM held a virtual Community Meeting with CNL staff to share information and discuss the Canadian Nuclear Laboratories Licence Amendment Application. The meeting attracted an attentive group of HSM community members, with an opportunity to view a multi-media presentation, ask questions and provide comments. The overall response to the licence renewal application was supportive, noting that ongoing environmental monitoring and continued engagement were important to the community. HSM looks forward to continuing to be informed, consulted and engaged, and to maintaining the good relationship with CNL.

Given HSM's traditional use of the lands in the area of the former Douglas Point Nuclear Generating Station and surrounding lands, the Historic Saugeen Métis have a profound need for involvement over the licence period. Accordingly, HSM has a substantial interest in many decisions relating to the decommissioning of Douglas Point Waste Facility.

We trust the Commission will give our comments careful consideration.

1.0 OVERVIEW OF HSM

Prior to 19th century treaties with the Crown, the HSM harvested the lands and waters bordering Lake Huron proper and the Saugeen Peninsula to as far south as the Port Franks area. This area included HSM places of residence, places where HSM pursued their traditional practices and pursuits, and places of cultural and spiritual significance.

Today, HSM continue their subsistence fisheries and land-based harvesting practices and assert aboriginal rights over the lands and waters surrounding the Bruce Site. These lands and waters provide vital support for our Métis culture and way of life, as well as the economy, health and social relationships in the HSM community.

From early days in Lake Huron, whitefish was and is a staple of HSM. Other subsistence fishing focused on species commonly caught along the coastal shores and rivers, especially the Saugeen and Maitland Rivers, which were important tributaries to Lake Huron. These species included Channel Catfish, Yellow Perch, Pickerel, Lake Trout, Brook Trout, Cisco/Lake Herring/Tullibee/Chub, White Suckers, Bass, Sunfish, as well as introduced species such as carp, trout and salmon. Historically and to the present day, the Historic Saugeen Métis also rely on the lands that include the Bruce Site and surrounding area to harvest deer and other mammals, water and land fowl, plants, fungi and other forest products.

2.0 HISTORY OF THE HSM

The local Historic Saugeen Métis (HSM) consists of the politically independent historic Métis, whom have resided along the Lake Huron proper shoreline from the islands at the tip of the Bruce Peninsula to the Ausable River in the vicinity of Port Franks, Ontario.

Métis trading families comprised of third and fourth generation members of existing Great Lakes trading networks have been arrived along this Lake Huron shoreline since the early 1800's. Also arriving were trading families from the Northwest who after the NWC/HBC merger in 1821 entered Lake Huron either as HBC employees or former NWC traders trading on their own account.

From these distinct groups emerged a distinctive Métis community rooted along the shoreline of eastern Lake Huron. For almost three decades prior to settlement of the Saugeen territory, the Historic Saugeen Métis traded in a south-north axis along the shoreline from above Sarnia to Lake Huron's North Shore.

HSM, although an established aboriginal community, was not a signatory to any treaty and has never extinguished their aboriginal rights.

Present-day Historic Saugeen Métis community members are descendants of the *historic* Métis who have lived in, cared for and relied on the shared traditional Saugeen territory since the early 1800's.

The Douglas Point Waste Facility is situated centrally within the traditional Saugeen territory. Many HSM community members reside within a few kilometers of the Bruce Site. Douglas Point is situated on the Lake Huron shoreline, the traditional waters of the local Métis where the HSM continue to exercise and rely on their traditional territory for subsistence in respect of their harvesting rights.

It is for these reasons that HSM has particularly deep and substantial interests in the proposed licence amendment and have a profound need for involvement over the licence period.

Further, the duly-elected local Historic Saugeen Métis Community Council has been entrusted to protect the local Métis communal rights and have the obligation to be part of any process that determines what is being done to monitor and ensure the safe decommissioning of the former Douglas Point Nuclear Generating Station.

HSM are among the indigenous peoples who have lived in, cared for and relied on the traditional Saugeen territory for generations. It is the responsibility of the current HSM Council to ensure a sustainable environment for current and future Métis families claiming Section 35, Canada Constitution Act (1982) aboriginal rights in the traditional Métis Saugeen territory.

2.1 Identity and Continuity

Integral to the endurance of the Métis families upon moving from the Northwest to trade in the HBC Lake Huron District were the traders' irreducible individualities as Nor'Westers, that is having been former North West Company. Their identities had formed over decades while serving at company posts from Fort William to the Red River.

These men and families had weathered many serious incidents in the fur trade involving early encroachment on their fur trade territories and, more recently, colonizing ambitions in the Red River. Some had witnessed the Battle of Seven Oaks and had family members seized at Fort William in 1816 by Selkirk's men.

In 1821 as they entered Lake Huron to trade for the Company, their distinctive family characteristics were unshakeable, having been formed years before as traders, fishers and hunters, gatherers, weavers, and canoe makers. Seasonal round shaped their lives. Shoreline homes were kept from below Goderich to Lake Huron's Northshore. As the trade declined some moved on while others, known today as the Historic Saugeen Métis, remained in the Saugeen territory.

The links of the historic Saugeen Métis families to specific economic activities in distinct areas, collectively a *cohesive trading network*, helped define the identity of the local Métis community known today as *the Historic Saugeen Métis*. Key to understanding the HSM Métis community is insight into individual family strategies necessary for survival in harsh environments, as can be seen in their seasonal harvesting activities.

Supported by fur trade kinship, fictive and familial, the HSM community grew along the eastern shoreline of Lake Huron proper and transitioned from the fur trade by adapting their skills to occupations reliant on their traditional way of life and use of lands and waters. As the fur trade declined, occupations included fishermen, coopers, sailors, schooner captains, guides, trappers, and hunters. Settlement found the Nor'Westers yet independent, refusing to be "nudged" from their lakefront properties.

By the 1850s when settlement occurred, the bonds amongst the Historic Saugeen Métis community remained strong, resulting in the preservation of a distinctive Métis way of life and common culture and customs in the Saugeen territory. By this time, the Historic Saugeen Métis had developed a "Saugeen" identity, an identity held steadfast to this very day.

The Historic Saugeen Métis, a distinctive Métis community that occupied lands along the Lake Huron shore from Sarnia to Tobermory and the islands, have resided with continuity along the Lake Huron shoreline since the early 1800s. Today the independent HSM consists of approximately 300 registered descendants of historic families prior to settlement. These rights-bearers, added together with their dependent family members total between four and five hundred members, are supported by community efforts in different ways, including community meetings, annual gathering events, cultural workshops, employment support, and assistance for post-secondary students.

In May 2013, the HSM community opened the HSM Interpretive Learning Centre in the heart of the Southampton tourist shopping area. It serves as a community meeting place and a public learning centre that fosters greater awareness of local Métis culture and heritage. On free display are Métis artifacts and cultural items donated by the Métis community and others.

The HSM contemporary community's goals include sustainability of the environment Saugeen territory's environment for the exercise of the community's Section 35, aboriginal rights; fostering increased tolerance for diversity of the area's peoples, and respect for the area's history and its Métis culture.

3.0 HSM LONG-TERM ENVIRONMENTAL GOALS AND OBJECTIVES

HSM's long-term vision and objective is focused on promoting and protecting the sustainability of the environment within the traditional Saugeen territory as it relates to local Métis interests, rights and way of life.

HSM's intention with regard to the environment is long-term preservation of natural features and resources. HSM supports development that meets the needs of the present without compromising the ability of future generations to meet their needs, specifically where it relates to HSM's ability to continue their traditional harvesting practices, rights and interests.

Prudent and sustainable use and reuse of natural resources while providing for continued improvements to quality of life and economic development for future generations is included in HSM's long-term vision.

Specifically, HSM's main goal when looking at environmental protection is maintaining the integrity of the local environment so that it can support a healthy harvest now and into the future.

HSM is committed to providing an environmental legacy to future generations of HSM citizens that they can be proud of and be confident will continue to support at least the next seven generations of HSM citizens. The involvement of local Métis decision-makers is essential to these goals.

4.0 ENGAGEMENT ACTIVITIES WITH CANADIAN NUCLEAR LABORATORIES

The HSM Lands, Resources, and Consultation Department supports the policies of HSM Council by advising and assisting proponents with their duty-to-consult about projects occurring within Saugeen Métis territory. An engagement record has been maintained and will continue to be maintained throughout the proposed licensed period. (APPENDIX A – Engagement Record)

4.1 HSM - CNL Working Group Meetings

HSM has been engaged with CNL on the proposed licence amendment since the fall of 2019. There have been 4 formal working group meetings, a virtual community meeting and an on-site tour of the Douglas Point Waste Facility (DPWF).

- December 11, 2019 – Working Group Meeting
- February 26, 2020 – Working Group Meeting
- July 7, 2020 – Working Group Meeting (virtual)
- July 28, 2020 – Working Group Meeting (virtual)
- July 30, 2020 – HSM Community Meeting (virtual)
- August 25, 2020 - Douglas Point Site Tour

CNL has made timely and effective efforts in addressing HSM's interests and comments related to the licence amendment. CNL staff have also been very adaptive given the new challenges with Covid-19. An open line of communication has been maintained with staff to assist with exchanging information and planning for engagement activities. CNL and HSM collaborated together to plan and execute a virtual community meeting and information brochure. HSM looks forward to continuing to be informed, consulted and engaged, and to maintaining the good relationship with CNL.

5. CNL Documents Review and Comments

5.1 DETAILED DECOMMISSIONING PLAN (DDP) 22-00960-001 Revision 1 (excerpts)

1.3 Decommissioning Phases and the Current Status

Phase 3 - This phase involves decommissioning activities, implemented in a series of sub-phases that will result in the removal of the equipment and components, buildings and structures including foundation and footings, and the return of the land for reuse consistent with its location adjacent to the Bruce Site.

Comment

HSM and CNL will be formalizing a long term agreement for the duration of all project phases. This agreement will bring certainty to the community over the long term by ensuring that beneficial consultation and engagement activities will continue to be a priority.

1.4 Decommissioning Plan Structure

The facilities/buildings at the DPWF site are classified as nuclear and non-nuclear (see Section 2.2 for details). The non-nuclear facilities/ buildings include Administration Building, Turbine Building, Steam Bridge and the Ancillary Facilities which comprise the former Carpenter's Shop, Water Treatment Area, Garage, Storage Area, and the Diesel Room. The nuclear facilities include Purification Building, Service Building (including Ventilation Stack, Fuel Bays, and Active Liquid Handling System), Weld Test Shop, Resin Storage Tanks and Vault, Spent Fuel Canister Area, and Reactor Building.

Comment

On August 26, 2020 HSM Council and Staff attended a site tour of the DPWF site to ensure a complete understanding of the project, facilities and its relationship within the traditional territory. The tour provided a better understanding of the facility layout and how the decommissioning process will be staged over time. There were no outstanding questions or concerns following the site tour.

2. DOUGLAS POINT SITE DESCRIPTION

2.1 General Site Layout

The DPWF, also referred to as the Facility, comprises parts of Lots 15 and 16 in Lake Range in the Township of Bruce. The Facility consists of a permanently shut down, partially decommissioned, prototype CANDU reactor and associated structures and ancillaries. The facilities/ buildings at the DPWF site are classified as nuclear and non-nuclear.

The Bruce Site and its surroundings have features of natural, physical, and cultural significances including the Lake Huron shoreline, Lake Huron commercial, recreational and traditional fisheries, and the Baié du Doré Provincially Significant Wetland (PSW). Two Provincial parks (Inverhuron and MacGregor Point), and two conservation areas (Bruce Dale and Saugeen Bluffs), are within close proximity to the Site

Comment

The HSM Community has a deep connection to the lands and waters that surround the Bruce Site. These lands and waters are part of the vital support for our Métis culture and way of life, as well as the economy, health and social relationships in the HSM community.

HSM recognizes that the DDP has considered the long-term health of the surrounding environment. The DPWF site is precariously situated adjacent to Lake Huron which places a strong emphasis on mitigation and monitoring as the project proceeds.

Next Steps

The HSM Community plans will work with CNL to monitor the effectiveness of these processes and mitigation measures by reviewing reports, attending site visits and providing comments.

3. STORAGE WITH SURVEILLANCE

3.1 General

Canadian Nuclear Laboratories maintains the DPWF in a storage with surveillance (SWS) phase which meets the DPWF Licence [3-1] requirements and follows the procedures and guidelines provided in the Decommissioning Program documents [3-2], [3-3]. The SWS will continue to be substantially applicable to the care and maintenance of the DPWF while Phase 3 decommissioning activities are underway to return the DP site to a defined end state as agreed upon with the regulator. However, the surveillance activities and efforts will reduce as more and more peripheral buildings and/or structures are removed from the DP site or the hazards within the buildings are reduced/eliminated. As such, the prescribed care and maintenance activities and ageing-related evaluations related to a building or structure as noted in the revised *SWS Activities and Schedules* [3-4]] will cease once that building, structure or the related hazard has been removed. In 2004, an LMP [3-5] was also developed to monitor on an ongoing basis the degradation of DPWF structures due to ageing. Under this Plan, additional evaluations of building structures are conducted at pre-determined frequencies to assess, control and mitigate the effects of ageing related deterioration and, if necessary, to propose remedial actions. The LMP ensures the continued integrity and leak tightness of buildings and structures and complements the SWS activities at the site.

5. HAZARDS ASSESSMENT

5.1 Hazards during SWS Phase

The hazards which may invariably exist at the DPWF during the current SWS phase include:

- Radiological Hazards (spent fuel bundles, stored radioactive waste, radiological contamination and radiation fields);
- Chemical Hazards;
- Industrial Hazards;
- Biological Hazards; and
- Environmental Hazards.

A brief description of above listed hazards is outlined in the following subsections. The details of these hazards are provided in [5-1] and [5-2].

To date, several assessments on DPWF buildings/structures have been conducted to ensure their continued safe storage during the surveillance period and planning phase of active decommissioning [5-3], [5-4], [5-5], [5-6], [5-7], and [5-8]. These assessments concluded that there are no unacceptable risks that could negatively impact the continued storage of buildings/structures at the DPWF site. However, buildings/structures will be periodically assessed at the recommended intervals [5-9] until the completion of Phase 3 decommissioning. CNL provides the CNSC with a status update of these assessments conducted as part of the DPWF Life Management Program [5-9] requirements and any identified actions on a semi-annual basis. The latest Corrective Action Plan (CAP) progress update was provided in 2019 March [5-10].

Comment

HSM is satisfied with the Storage with Surveillance phase of the plan and underlines the critical need to continually monitor, update and consult. The deterioration of facilities that store and protect high level hazardous wastes and materials may need to be reevaluated over a longer term given the uncertain timeline of a Deep Geological Repository (DGR). The following hazards that will exist during the SWS Phase are of particular interest to HSM as they pose the greatest risk to the environment.

- 5.1.2.1 Reactor Building
- 5.1.2.2 Spent Fuel Canister Area
- 5.1.2.3 Service Building
- 5.1.2.4 Purification Building
- 5.1.2.6 Active Liquid Handling System
- 5.1.3 Chemical Hazards
- 5.1.6 Environmental Hazards
- 5.1.6.1 Environmental Emissions

Next Steps

HSM will continue engagement with CNL over the long term to ensure the Storage and Surveillance / Life Management Program / Corrective Action Plan continues to be relevant in protecting the environment.

5.2 Hazards during Decommissioning Phase

The future hazards are those which are anticipated during Phase 3 decommissioning activities and include:

- Radiological hazards; and
- Non-radiological hazards (chemical, industrial, biological and environmental hazards).

During execution of the decontamination and dismantling activities, appropriate actions will be taken to prevent, control and/or mitigate the potential risks anticipated from these hazards. These actions will be documented in the DDPs and associated work packages.

In order to reduce the future hazards, prior to the commencement of demolition activities:

- All stored radiological and hazardous materials will be removed from each building/structure;
- Structures, systems and components will be decontaminated to the extent feasible to remove both loose and fixed radiological and/or hazardous contaminations; and
- All service supplies such as air, water and electricity will be disconnected.

A Preliminary Hazard Assessment (PreHA) [5-45] was conducted in 2019 to identify the major hazards and analyse the potential risks (i.e. from radiological and chemical hazards) to workers and the public from both normal decommissioning activities and credible accidents during Phase 3 decommissioning.

The PreHA included:

- Non-nuclear Facilities (Turbine Building, Administration Building, Steam Bridge, and Ancillary Facilities); and
- Nuclear Facilities (Purification Building, Service Building, Weld Test Shop, Resin Storage Tanks and Vault, and Reactor Building Clear-Out)

The PreHA concluded that with the recommended mitigation measures in place, decommissioning of the select facilities will not pose any harmful effect to the workers, members of the public or to the environment.

The D&D hazards and potential risks for the Reactor Building (calandria, dome and the containment) and the Spent Fuel Storage Canisters were excluded from the PreHA; these hazards will be analysed at a later date, prior to their decommissioning.

Comment

HSM has emphasized throughout the engagement process that environmental protection is of prime importance to the community. Actions to prevent, control and/or mitigate the potential risks are vitally important to ensure all potential hazards do not impact the environment.

During the site tour, HSM noted that the shared storm water management drains below the current facility may pose a risk of contaminants reaching Lake Huron. CNL officials provided assurance that risks such as these will be mitigated when dealing with surface water run-off during decommissioning activities.

Next Steps

HSM will continue to consult with CNL officials on a regular basis during Phase 3 to ensure that decommissioning activities related to hazardous waste do not impact the environment.

6.4 Characterization

As a part of the Detailed Decommissioning Planning, characterization will be performed for each planning envelope in accordance with CNL procedure [6-6] and any other guidelines available at the time when the decommissioning work will be performed. The

characterization includes planning and conducting the hazard assessment and evaluation and documenting the results. The characterization report will document the most current radiological, chemical and industrial conditions that will be encountered during Phase 3 decommissioning activities. The characterization results will assist in the preparation of the DDP(s) and the associated DWP.

Next Steps

HSM will consult with CNL Officials to understand and comment on Characterization Planning Envelopes as this work proceeds.

7.2 Inventory of Stored Wastes

The stored wastes at DPWF constitute the following five waste streams [7-6]:

- High Level Radioactive Waste (HLW)
- Intermediate Level Radioactive Waste (ILW)
- Low Level Radioactive Waste (LLW)
- Hazardous Waste
- Mixed Waste

The source of the HLW is the spent fuel bundles. There are 22,256 spent fuel bundles stored in dry storage facility i.e. Spent Fuel Canister Area (see Section 5.1.2.2 for details).

Comment

HSM is satisfied that the current level of storage and monitoring will adequately protect the stored wastes. HSM also understands that the duration of storage for some items such as spent fuel bundles may be dependent upon long term solutions such as a DGR. The existing monitoring protocols that are in place will be vitally important as existing storage facilities age and reach their life expectancy.

8. ENVIRONMENTAL PROTECTION AND MONITORING

Canadian Nuclear Laboratories maintains a comprehensive Environmental Protection Program [8-1] which applies to CNL-operated sites including the DPWF site and ensures compliance with legal and other environmental obligations. The Program requirements [8-2] are designed to ensure that radiation doses as a result of releases of radioactive material in site effluents remain well below the annual dose limits for members of the public specified in CNSC Regulations [8-3], and ALARA, economic and social factors being taken into account. CNL procedure, *Management and Monitoring of Emissions* [8-4] sets the standards and controls for monitoring radioactive and non-radioactive emissions at CNL-operated sites.

8.2 Environmental Monitoring

Canadian Nuclear Laboratories Environmental Monitoring Program (EMP) [8-10] is designed to determine the effect of emissions in the environment surrounding a site or facility, and consists of measuring or estimating nuclear substances and hazardous substances present in the environment. The EMP applies to CNL owned or operated

sites and facilities in Canada that contain nuclear substances above exemption levels as defined by the *Nuclear Safety and Control Act* [8-11] and regulations [8-3] made pursuant to the Act or hazardous substances present in concentrations which are harmful to the environment as outlined in the *Canadian Environmental Protection Act (CEPA)* [8-12], the *Fisheries Act* [8-13] and regulations made pursuant to these Acts, and the *Canadian Council of Ministers of the Environment (CCME)* [8-14]. It applies to sites and facilities throughout their lifecycle (from planning and design through normal operations to decommissioning and any period of institutional control that might follow closure of the facility/site). The environmental monitoring criteria align with the requirements of CSA N288.4 [8-9]. The EMP does not cover the requirements for the management of Designated Toxic Substances, PCBs, Halocarbons, or Petroleum and Allied Petroleum Products Storage Tanks. These requirements are respectively covered in *Management of Designated Toxic Substances* [8-15], *Management of PCBs* [8-16], *Management of Halocarbons* [8-17], and *Management of Petroleum and Allied Petroleum Products Storage Tank* [8-18].

8.3 Factors Affecting Scope of Monitoring

Decommissioning is being done using a phased approach with the removal of the less complex, non-nuclear buildings first followed by complex yet non-nuclear structures (e.g. Turbine Building) and finally the nuclear facilities one at a time (see Section 6.3 for details). Depending on the decommissioning phase being undertaken, the monitoring requirements may change in terms of contaminants of interest, decommissioning methods used, monitoring frequency, duration, and monitoring pathways. These changes will reflect not only changes in regulatory requirements and technological advancements, but also the characteristics of the effects being monitored. Air quality monitoring, for example, will have only relatively short-term monitoring requirements because air quality generally is only affected during construction/demolition related activities. In addition, the type of air quality monitoring will depend on the specific activity being undertaken; decommissioning techniques/methods used. Remediating contaminated interior spaces requires a different type and scale of air quality monitoring than that required during demolition.

8.4 Environmental Review for Planning Envelopes A, B, and C

As identified in Sections 6.5 and 8.2, decommissioning packages at DPWF are subject to an environmental review in accordance with the CNL procedure [8-25], and to meet Section 67 requirements of Canadian Environmental Assessment Act (CEAA, 2012) [8-23]. The ER will assess any adverse effects of the project on the environment (i.e. air, land and water), and recommend preventive or mitigation measures to reduce potential or apparent environmental risks. In this regard, an ER [8-26] was conducted to assess the impact of decommissioning packages identified in Planning Envelopes A, B, and C (PE-A, PE-B, and PE-C respectively) on the environment (see Section 6.3 for details on planning envelopes).

The Planning Envelopes D (Spent Fuel Canister Area decommissioning) and E (Reactor Building decommissioning) are excluded from the environmental review as these facilities are not expected to undergo final decommissioning within the current

licence period which expires in 2034. An Environmental Review and a DDP will be prepared and submitted for each of these facilities at a later date.

The ER [8-26] assessed the effects of decommissioning packages PE-A, PE-B, and PE-C on the following components of the environment:

- Fish and fish habitat as defined in subsection 2(1) of the *Fisheries Act* [8-13],
- Aquatic species as defined in subsection 2(1) of the *Species at Risk Act* [8-27],
- Migratory birds as defined in subsection 2(1) of the *Migratory Birds Convention Act, 1994* [8-28], and
- With respect to Aboriginal peoples,
 - physical and cultural heritage,
 - the current use of land and resources for traditional purposes, and
 - any structure, site or thing that is of historical or archeological significance.

The review concludes that the decommissioning project will not cause any significant adverse environmental effects, provided appropriate mitigation measures have been implemented as recommended.

Comment

HSM is satisfied that the Environmental Protection and Monitoring Program will ensure that effluents will remain below the annual dose limits. HSM also understands that the project will be carried out in phases and that many factors will influence future monitoring programs to ensure public and environmental safety.

Next Steps

HSM will work directly with CNL officials to maintain a good understanding of the protection and monitoring protocols that are current and in the development stages as the decommissioning project proceeds. HSM will commit to keeping the community informed regarding this information and provide timely comments to CNL.

5.2 ENVIRONMENTAL EFFECTS REVIEW - PHASE 3 DECOMMISSIONING 22-03710-ENA-001 Revision 2 (excerpts)

2.1.8 Hazards

2.1.8.1 Radiological COPCs

Following are the potential radiological Contaminants of Potential Concern (COPCs) that can be released in air/water during decommissioning of the Planning Envelope A, B, and C of DPWF:

- Carbon -14
- Tritium
- Gross alpha particulates (Eu-152)
- Gross beta/gamma particulates (Co-60, Fe-55 (electron capture), Ni-63, Zr-95, Cs-137, Cs-134, Eu-152, Eu-154, Sb-125, Sr-90)

2.1.8.2 Chemical COPCs

Following are the potential chemical COPCs that can be released in air/water during decommissioning of the Planning Envelopes A, B, and C of the DPWF:

- Lead
- Mercury
- Asbestos and Asbestos Containing Materials (ACM)
- Polychlorinated Biphenyls (PCBs)
- Dust

6.2 Assessment of Effects (Routine Decommissioning Activities)

Potential Interactions on the following five Environmental Components were identified:

- Atmosphere (air quality and noise)
- Hydrology (surface water quality)
- Geology/Hydrogeology (soil quality)
- Human health (Workers)
- Valued Ecosystem Components

Comment

HSM has taken the time to review and ask questions regarding the Environmental Effects Review. The hazards identified as Radiological and Chemical are of particular interest to HSM due to the potential risk to the environment. During the Douglas Point site tour on August 25, 2020, HSM council and staff were able to better relate to the site layout, identify where hazards exist and enquire about their safe removal during decommissioning activities. HSM is confident that the mitigation measures identified in this report will ensure no residual effects to the environment.

Next Steps

HSM will work closely with CNL officials throughout all planning envelopes of this project to confirm that mitigation measures are being carried out to protect the environment and the interests of the HSM community.

6.0 CNSC ENGAGEMENT ACTIVITIES WITH HSM

CNSC staff are committed to ongoing discussions with HSM on the CNL Licence Amendment Application and have made themselves available to provide assistance. CNSC and HSM held meetings on February 19, 2020 (teleconference) March 12, 2020 (in-person) and August 12, 2020 (virtual) to discuss issues related to the CNL's proposed licence amendment and the scheduled CNSC Public Hearing. Discussions included Participant Funding Program opportunities, licence timelines, CNL reports and the CNSC staff Commission Member Document report. HSM staff outlined the formal process for consultation and engagement where HSM interests and/or rights may be affected by proposed developments on land and/or water within our traditional territory.

To further address issues with in person communications due to Covid 19, CNSC staff also checked in with HSM staff on regular basis to maintain an open line of communication. No specific concerns with respect to the proposed licence amendment application were raised during these communications.

7.0 CNSC COMMISSION MEMBER DOCUMENT (CMD) 20-H4

Within the CNSC Commission Member Document (CMD) 20-H4 (Sept. 10/20) Commission staff concluded the following:

In relation to the *Canadian Environmental Assessment Act 2012*:

1. “that the carrying out of the proposed project is not likely to cause significant adverse environmental effects.”

In relation to the *Nuclear Safety Control Act*: “In that CNL:

1. is qualified to carry on the activity that the licence will authorize the licensee to carry on; and

2. will in carrying out the licensed activities, has made, and will continue to make adequate provision for the protection of the environment, the health and safety of persons and the maintenance of national security and measures required to implement international obligations to which Canada has agreed.”

Comment

HSM is satisfied that CNSC staff has thoroughly considered the licence amendment documents and that the protection of the environment is upheld, thus protecting the rights and interest of the Historic Saugeen Métis Community.

Next Steps

HSM will continue to work closely with CNSC staff throughout the term of the licence by attending meetings, reviewing updated information and providing timely comments.

8.0 CONCLUSIONS AND RECOMMENDATIONS

Given HSM’s traditional use of the lands and waters in the surrounding area of the Douglas Point site, the Historic Saugeen Métis have a profound need for involvement during the licence period. Furthermore, the duly-elected local Historic Saugeen Métis Council, who has been entrusted to protect the local Métis communal rights, must be part of any process that determines what is being done to monitor and ensure the safe decommissioning of the Douglas Point Waste Facility. HSM is committed to track the comments and carry out the next steps that are identified within this document. With this in mind, and continued engagement throughout the licence period, the Historic Saugeen Métis Council supports the Licence Amendment Application from the Canadian Nuclear Laboratories. (APPENDIX B – Letter of Support)

APPENDIX A

ENGAGEMENT RECORD

**Historic Saugeen Métis
Written Submission to
Canadian Nuclear Safety Commission**

**Licence Amendment Application
Douglas Point Waste Facility**

APPENDIX B

LETTER OF SUPPORT

**Historic Saugeen Métis
Written Submission to
Canadian Nuclear Safety Commission**

**Licence Amendment Application
Douglas Point Waste Facility**

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Engagement Record

APPENDIX A

1. Engagement Summary

Name of Proponent: **Canadian Nuclear Laboratories (CNL) – Douglas Point Waste Facility Decommissioning Project**

Name of Affected Party: **Historic Saugeen Métis (HSM)**

Name(s) of representative(s) from Affected Party who participated in engagement	Dates of Engagement	Reason(s) for Engagement	Overview of Issue(s) Resolved	Overview of Issue(s) Unresolved
Archie Indoe Molly McGuire Goldie Mielhausen Jenna McGuire George Govier Carolyn Myers Boone Chris Hachey	October 2019 - present	CNL has made an application to the CNSC to amend the Douglas Point Waste Facility Licence. CNL plans to carry out regulated decommissioning activities at the Douglas Point Facility located adjacent to the Bruce Power Site. CNL will implement a series of project phases from 2020 to 2070 that will result in the removal of the equipment and components, buildings and structures including foundation and footings, and the return of the land for reuse. Decommissioning Douglas Point is planned to help minimize and consolidate Canada’s nuclear waste liabilities and reduce risk.	1. HSM and CNL will establish an MOU to mitigate adverse impacts to Métis rights, culture or way of life, address capacity issues and ensure that the duty to consult has been fulfilled.	

Signature of Proponent (representative)¹: _____

Signature of Affected Party (representative)¹: _____

¹ These Signatures represent agreement on the contents of the log and record, but do not necessarily imply that the parties agree on the topics that were discussed.

2. Engagement Record

Date	Attendees	Engagement Activity Type	Engagement activity	Next steps, issue(s), recommendations raised from Affected Party	Proponent Response (where applicable)	Information materials provided to Affected party	Correspondence, meeting notes / minutes
21OCT2019	HSM Archie Indoe CNL Mitch MacKay	Letter CNL to HSM	Letter from CNL informing HSM that CNL has made an application to the CNSC to amend their current licence. The letter provides links to key project information including the Detailed Decommissioning Plan (DDP).				Letter from CNL to HSM President Archie Indoe.
22OCT2019	HSM Archie Indoe George Govier CNL Mitch MacKay	Letter CNL to HSM	CNL invites HSM to consultation and engagement activities regarding the Douglas Point Waste Facility Licence Amendment.				Letter from CNL to HSM President Archie Indoe.
22OCT2019	HSM George Govier CNL Mitch MacKay Kavita Murthy	Email from HSM to CNL	HSM acknowledges CNL letter of October 21, 2019 and welcomes the opportunity to discuss the Douglas Point Waste Facility Licence Amendment.				Email from HSM to CNL.
08NOV2019	HSM George Govier CNL Margot Thompson	Email from CNL to HSM Email from HSM to CNL	CNL provides HSM with potential meeting dates for December 2019.	HSM acknowledges email and confirms meeting date of December 11, 2019.			Email from CNL to HSM
08NOV2019	HSM George Govier CNL Margot Thompson	Email from CNL to HSM Email from HSM to CNL	CNL offers to draft a meeting agenda for HSM review.	HSM acknowledges request and offers to provide an introduction to HSM culture and community as part of the agenda.			Email CNL to HSM HSM to CNL

21NOV2019	HSM George Govier CNL Margot Thompson	Email from CNL to HSM	CNL provides HSM with a draft meeting agenda and CNL attendees and requests any comments from HSM.				Email from CNL to HSM
22NOV2019	HSM George Govier CNL Margot Thompson	Email from HSM to CNL	HSM approves the agenda as presented and provides a list of HSM attendees for the meeting. Chris Hachey is noted as the new HSM contact for the project going forward.				Email from HSM to CNL
10DEC2019	HSM Chris Hachey CNL Margot Thompson	Email from CNL to HSM Email from HSM to CNL	CNL provides HSM with amended agenda regarding CNL participants and provides a copy of "Decommissioning the Douglas Point Facility" multi-media presentation (23 pages)	HSM acknowledges receipt of the presentation materials.		Decommissioning the Douglas Point Facility multi-media presentation (23 pages)	Email HSM to CNL and CNL to HSM
11DEC2019	HSM Jenna McGuire George Govier Carolyn Myers Boone Chris Hachey CNL Ian Bainbridge Mitch Mackay George Dolinar Margot Thompson	Face to face meeting	CNL provided a multi-media overview of the Douglas Point Decommissioning Project. CNL has made an application to the CNSC to amend the Douglas Point Waste Facility Licence. The project is entering phase 3 with decommissioning scheduled to take place from 2020 to 2070 with all waste to be removed from site by 2070. CNL provided an electronic copy of the Detailed Decommissioning Plan. The CNSC Licence Amendment hearing is expected to take place in the late spring of 2020.	The HSM noted interest to review the IER, DDP and EER.	CNL acknowledges the requested documents and will follow-up with HSM.	Detailed Decommissioning Plan -Douglas Point Waste Facility 22-00960-DDP-001 (156 pages)	
21JAN2020	HSM Chris Hachey CNL Margot Thompson	Email from HSM to CNL	HSM informs CNL it is currently completing an initial project review and requests a meeting for mid to late February.				Email from HSM to CNL

23JAN2020	HSM Chris Hachey CNL Margot Thompson	Email from CNL to HSM Email from HSM to CNL	CNL and HSM decide to meet on February 26, 2020 at 9:30am in Southampton. CNL will follow up with draft agenda.				Email CNL to HSM HSM to CNL
11FEB2020	HSM Chris Hachey CNL Margot Thompson	Email from CNL to HSM	CNL provides a copy of the revised DDP.				Email CNL to HSM
26FEB2020	HSM Goldie Mielhausen Jenna McGuire Carolyn Myers Boone Chris Hachey CNL Ian Bainbridge Mitch Mackay Margot Thompson	Face to face meeting	CNL discusses the DDP, providing detailed information for the proposed Planning Envelopes. HSM provides preliminary feedback and proposed engagement activities.	The HSM noted there has been limited engagement regarding the Douglas Point Facility in the past. HSM interested to participate in site restoration and long-term planning.	CNL expressed that HSM will be engaged going forward and that interest in site restoration and long-term planning will be noted.		Email CNL to HSM
03MAR2020	HSM Chris Hachey CNL Margot Thompson	Email from CNL to HSM	Email provides copies of revised EER, ERA and 2018 Annual Compliance and Monitoring Report.			Electronic copies - revised EER, ERA and 2018 Annual Compliance & Monitoring Report	Email CNL to HSM
20MAR2020	HSM Chris Hachey CNL Margot Thompson	Email exchanges CNL - HSM	Email from CNL to HSM provides information for future engagement plans due to Covid 19 and revised hearing dates.	HSM acknowledges information updates and notes revised hearing dates.			Email exchange CNL - HSM
22APRIL2020	HSM Chris Hachey CNL Margot Thompson	Email exchanges CNL - HSM	CNL shares revision of Indigenous Engagement Report and draft engagement activities agreement.	HSM acknowledges the reports and supports the draft engagement activities as presented.			Email exchanges CNL - HSM

12JUNE2020	HSM Chris Hachey CNL Margot Thompson	Email exchanges CNL - HSM	CNL provides copy of the revised hearing notice. CNL also shares information regarding a public webinar in June. Details were exchanged between HSM and CNL to jointly plan and prepare a Community Webinar regarding the DPWF decommissioning.	HSM acknowledges and is pleased with CNL's eagerness to plan a specific webinar for the HSM Community.			Email exchanges CNL - HSM
18JUNE20202	HSM Chris Hachey CNL Margot Thompson	Email exchanges CNL - HSM	Short-term engagement agreement between CNL and HSM is agreed upon and signed.				Email exchanges CNL - HSM
07JULY2020	HSM Jenna McGuire Carolyn Myers Boone Chris Hachey CNL Ian Bainbridge Margot Thompson	Meeting - video teleconference	Meeting between the HSM and CNL to plan the details for the HSM community webinar and community mail out.				
20JULY2020	HSM Chris Hachey CNL Margot Thompson	Email from HSM to CNL	HSM provides CNL updated details for the community webinar.				Email from HSM to CNL
28JULY2020	HSM Jenna McGuire Carolyn Myers Boone Chris Hachey CNL Ian Bainbridge Margot Thompson	Meeting - video teleconference	Meeting held prepare for the community webinar and review the technical details.				

30JULY2020	HSM Jenna McGuire Carolyn Myers Boone Chris Hachey CNL Ian Bainbridge Margot Thompson	Community Webinar – 7pm	CNL and HSM co-host a community webinar on the Douglas Point Decommissioning.				
31JULY 2020	HSM Chris Hachey CNL Margot Thompson	Email from HSM to CNL	HSM e-mail thanks CNL for work carried out to deliver the community webinar and notes that HSM will continue to keep the community informed.				Email from HSM to CNL
07AUG2020	HSM Chris Hachey CNL Margot Thompson	Email exchanges CNL - HSM	CNL shares draft graphic design work of the brochure to be mailed out to the HSM Community. HSM provides some minor comments for the final draft.				Draft copy of HSM community brochure.
25AUG2020	HSM Jenna McGuire Molly McGuire Chris Hachey CNL Ian Bainbridge Margot Thompson	Douglas Point Waste Facility tour	CHL provided a tour of the Douglas Point Waste Facility and answered questions.	HSM asked general question regarding the overall site layout and the spent fuel container storage area. HSM also noted concern that the shared underground storm water system is a potential conduit for contamination to Lake Huron.	CNL discussed mitigation measures in place to safeguard potential contamination of the underground storm drain system and will note HSM's concerns / interests.		
26AUG2020	HSM Chris Hachey CNL Margot Thompson	Community brochure delivery	Copies of the DPWF Decommissioning Community brochure were delivered to HSM.				HSM Community brochure.

09SEPT2020	HSM Chris Hachey CNL Margot Thompson	Email from CNL to HSM	CNL shares with HSM to attend September 16, 2020 webinar on the Douglas Point Decommissioning.				Email exchanges CNL - HSM
19OCT2020	HSM Chris Hachey CNL Margot Thompson	Email exchanges CNL - HSM	CNL provides updates which include copies of the Indigenous Engagement Report and CMD Document. CNL also provides a virtual Open House link to share with the community.	HSM acknowledges the reports and notes that the virtual open will be made available to the HSM Community.		Electronic copies of the Indigenous Engagement Report and CNL - CMD Document.	Email exchanges CNL - HSM

Engagement Record

Name of Proponent: **Canadian Nuclear Laboratories (CNL) – Douglas Point Decommissioning Project**

Name of Affected Party: **Historic Saugeen Métis**

Timeline	Purpose	Participants	Communication
Engagement is ongoing as CNL implements a series of regulated decommissioning activities at the Douglas Point Waste Facility from 2020 to 2070.	To keep HSM informed on CNL's role/ actions in regard to the Decommissioning of the Douglas Point Waste Facility.	CNL will engage the Historic Saugeen Métis Council members and designated HSM staff members.	CNL will provide written communication as well as face-to-face meetings. CNL can provide information at an HSM community meeting if required. CNL will provide informational updates and answer all questions to the best of their ability.

Signature of Proponent (representative)²: _____

Signature of Affected Party (representative)²: _____

Rev: October 20, 2020

² These Signatures represent agreement on the contents of the log and record, but do not necessarily imply that the parties agree on the topics that were discussed.



Historic Saugeen Métis
204 High Street
Southampton, Ontario
N0H 2L0
(519) 483-4000

October 23, 2020

Ian Bainbridge
Director of Reactor Decommissioning
Canadian Nuclear Laboratories
286 Plant Road,
Chalk River, Ontario
K0J 1J0

Dear Mr. Bainbridge,

**Re: Canadian Nuclear Laboratories, Licence Amendment Application to Decommission the Douglas Point Waste Facility
Historic Saugeen Métis – Letter of Support**

The Historic Saugeen Métis Council and staff has reviewed and considered the information regarding the Licence Amendment Application to decommission the Douglas Point Waste Facility. The project information was presented to council and staff in a series of consultation and engagement events commencing in December 2019. These consultation and engagement events have been summarized in the Engagement Plan and Log which has been included with this letter.

Canadian Nuclear Laboratories has shared sufficient project information about the Application, to enable the Historic Saugeen Métis and its elected community representatives to assess any potential impacts of the Application on Métis rights and interests. Information reviewed of particular importance includes:

- Detailed Decommissioning Plan
- Environmental Effects Review – Phase 3 Decommissioning
- Environmental Risk Assessment for Douglas Point Waste Facility

The information received from Canadian Nuclear Laboratories did not identify any Significant Adverse Environmental Impacts or Significant Public Concerns. All potential environmental impacts identified during the exchange of information can be mitigated with known technology.

The consultation and review process has indicated that there are no anticipated adverse impacts to Historic Saugeen Métis rights, culture or way of life and that the duty to consult has been fulfilled.

We are pleased to notify you of our support for the Application.

Yours truly,

A handwritten signature in black ink, appearing to read 'Archie Indoe', written in a cursive style.

Archie Indoe
President
Historic Saugeen Métis

Enclosure: Engagement Plan and Log: Licence Amendment Application to Decommission the Douglas Point Waste Facility for Canadian Nuclear Laboratories and Historic Saugeen Métis