



Oral presentation

Submission from the Métis Nation of Ontario

In the Matter of the

Canadian Nuclear Laboratories

Application for the renewal of the Nuclear
Research and Test Establishment Operating
Licence for the Chalk River Laboratories

Commission Public Hearing

January 23-25, 2018

Exposé oral

Mémoire de la Nation métisse de l'Ontario

À l'égard des

Les Laboratoires Nucléaires Canadiens

Demande de renouvellement du permis
d'exploitation d'établissement de recherche
et d'essais nucléaires pour les Laboratoires
de Chalk River

Audience publique de la Commission

23-25 janvier 2018



Métis Nation of Ontario
Lands, Resources and Consultations

BY ELECTRONIC MAIL

11 December 2017

Clare Cattrysse
Director, Policy, Aboriginal and International Relations
Canadian Nuclear Safety Commission
280 Slater Street,
Ottawa, Ontario K1P 5S9

Dear Ms. Cattrysse:

RE: Métis Nation of Ontario Comments
Canadian Nuclear Laboratories – Chalk River Laboratories Licence
Renewal Application

Please find enclosed the Métis Nation of Ontario's ("MNO") comments on the Canadian Nuclear Laboratories ("CNL") Chalk River Laboratories ("CRL") Licence Renewal Application (the "Application").

The issues set out in this letter together with the comments outlined in the attached table prepared by the MNO's retained consultant, MNP, are intended to ensure that CNL and the Canadian Nuclear Safety Commission ("CNSC") are aware of the ongoing deficiencies in the Application with respect to identifying, addressing, mitigating and accommodating the potential adverse effects that the Application may have on Métis rights, interests and way of life.

As you are aware, the MNO represents a regional Métis community with Aboriginal rights and interests in the territory in which CRL is operating.¹ These rights and interests are protected by *s. 35 of the Constitution Act, 1982*, and give rise to a duty, on the part of the Crown, to consult with, and potentially accommodate, the Métis community's rights and interests where Crown-

¹ The MNO includes the Sudbury Métis Council, the North Bay Métis Council, and the Mattawa Métis Council, which together represent the regional rights-bearing Métis community in the federally and provincially recognized Mattawa/Lake Nipissing Traditional Territory.

authorized activities (in this case, the Application) are contemplated which might adversely impact these rights and interests.

The attached cover letter and comments prepared by the MNO-retained consultant for the Application, MNP, make clear that the Application contains significant deficiencies. This will make it difficult, if not impossible, for the Crown to rely on the Application to determine the degree to which Métis rights, interests and way of life may be negatively impacted. Accordingly, the Application, in its current form, will not serve the Crown in being able to discharge its duty to consult and accommodate which is lawfully owed to the rights-bearing Métis community in the region represented by the MNO.

Based on our review of the Application in its current form, the MNO has determined that it fails to adequately assess the potential adverse effects that CRL's operations may have on the MNO's rights, interests and way of life in the Mattawa/Lake Nipissing Traditional Territory. Consultation is a reciprocal process, and while there is always room for improvement on both sides, the lack of information contained in the Application and the lack of consideration given to the limited information therein, are matters for which CNL and the CNSC are responsible.

Within their Application, CNL concluded that the Application would not trigger the duty to consult as there are no "...adverse effects on the health and safety of persons or the environment as a result of the operation of CRL". However, there are provisions under *REDDOC 2.9.1 Environmental Principles, Assessments and Protection Measures*, pursuant to the *Nuclear Safety and Control Act* which clearly provides that an effect is any change on "...the current use of lands and resources for traditional purposes by Aboriginal persons". Proposed evolutionary initiatives identified within the Application such as the impingement and entrainment of fish could therefore, for all intents and purposes, result in the types of changes contemplated by *REDDOC 2.9.1*. The MNO believes that the duty to consult is triggered by this Application because of the evolutionary initiatives and other aspects identified within the Application and that this fact is further reinforced by specific wording used in *REGDOC 2.9.1*. It therefore falls to the CNSC, as the responsible regulatory authority and decision-maker, to adequately discharge the duty to consult in keeping with the Honour of the Crown. Accordingly and at minimum, further measures must be taken by the

CNSC and/or CNL to ensure that the potential adverse effects of the Application on the MNO's rights, interests and way of life are assessed in a real and meaningful manner. As a first step, the MNO requests that an agreement be entered into with CNL which will serve to ensure that meaningful and effective consultation takes place in advance of the CNSC's decision regarding the Application. As has been articulated by the Courts, this agreement must provide "...reasonable assurance..." to the MNO "...that their constitutionally protected ... rights ..." are "...considered as rights rather than as an afterthought to the assessment of environmental concerns".²

The attached cover letter and table of comments outline over eighty (80) detailed questions, comments and concerns with the Application that are supported and endorsed by the MNO. Indeed, the attached table of comments should be treated as the MNO's position in respect of the Application. The deficiencies delineated in the attached document must be addressed in order to ensure that the effects on Métis rights and interests are adequately assessed as part of the Application and are ultimately incorporated into the CNSC's decision on the Application.

It must be emphasized that the concerns brought forward by the MNO in this letter and the attached documents are only preliminary in nature and should not be considered exhaustive as the MNO has not yet been able to engage in effective and meaningful consultations with CNL in respect of the Application. It is hoped and expected that, through meaningful consultations, the MNO will be able to further understand, assess and articulate the potential effects that the Application will have on Métis rights, interests and way of life.

We look forward to your consideration of these comments and to your response in due course. Should you have any questions or concerns regarding this letter or its enclosures, please do not hesitate to contact Mr. James Wagar, Manager with the MNO's Lands, Resources and Consultations ("LRC") Branch. Mr. Wagar may be reached by telephone at 416-977-9881 X107 or via email at jamesw@metisnation.org.

² *Clyde River (Hamlet) v. Petroleum Geo-Services Inc*

Yours very truly,



Aly N. Alibhai,
Director, Lands, Resources and Consultations Branch

CC: M. Margaret Froh, Métis Nation of Ontario, President

Mattawa/Lake Nipissing Traditional Territory Consultation Committee

Dan Boulard, Provisional Council of the Métis Nation of Ontario –
Region 5 Councillor and Chair of the Mattawa/Lake Nipissing
Traditional Territory Consultation Committee

Richard Sarrazin, Métis Nation of Ontario, President, MNO Sudbury
Métis Council

Marc Laurin, Métis Nation of Ontario, President of North Bay Métis
Council

Nelson Montreuil, Métis Nation of Ontario, President of the Mattawa
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Joanne Meyer, Chief Operating Officer, Métis Nation of Ontario

James Wagar, Métis Nation of Ontario, Manager, Lands, Resources and
Consultations Branch

Adam Zenobi, Canadian Nuclear Safety Commission, Policy Officer,
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Patrick Quinn, Canadian Nuclear Laboratories, Director, Corporate
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December 11, 2017

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Manager of Natural Resources and Consultation
Métis Nation of Ontario
311-75 Sherbourne St.
Toronto, ON M5A 2P9

RE: Métis Nation of Ontario Comments on the Canadian Nuclear Laboratories – Chalk River Laboratories Licence Renewal Application

Dear Mr. Wagar,

As per our identified Statement of Work for Canadian Nuclear Laboratories – Chalk River Laboratories Licence Renewal Application (“the Licence Renewal”) please find below an overview of the comments and a detailed table of issues.

From our review of the Licence Renewal and supporting documentation, we have determined that, based on limited regulatory requirements, there was no input incorporated from the Métis Nation of Ontario (“MNO”). Further, the scope and breadth of the consultation (referred to as engagement) program identified by the Canadian Nuclear Safety Commission (“CNSC”) was limited to provision of funding to the MNO for comments and hearing participation on the Licence Renewal.

Canadian Nuclear Laboratories (“CNL”) concluded that the Licence Renewal would not trigger the duty to consult as there are no “...adverse effects on the health and safety of persons or the environment as a result of the operation of CRL”. However, there are provisions under REDDOC 2.9.1 *Environmental Principles, Assessments and Protection Measures*, which falls under the *Nuclear Safety and Control Act*, which specifies that an effect is any change on “...the current use of lands and resources for traditional purposes by Aboriginal persons”. Proposed evolutionary initiatives or Project works related to impingement and entrainment of fish could result in these changes. Without an assessment of effects, the likelihood, size and scope of these potential effects are unknown. In the recent court case of *Clyde River (Hamlet) v. Petroleum Geo-Services Inc.*, 2017 SCC 40, para. 22 it states:

“Where the regulatory process being relied upon does not achieve adequate consultation or accommodation, the Crown must take further measures to meet its duty.”

We would argue that the duty to consult is triggered by this Licence Renewal due to evolutionary initiatives and other aspects; that this is reinforced by REGDOC 2.9.1; and where CNL has not

completed the procedural aspects of this consultation, as is the case for this Licence Renewal, it falls to the CNSC, as the responsible regulatory agency and decision maker, to meet this duty. Therefore, further measures must be taken by the CNSC to ensure that potential adverse effects to MNO rights and interests are assessed. This must be completed in advance of the CNSC decision and must provide "...reasonable assurance..." to the MNO "...that their constitutionally protected ... rights ..." are "...considered as rights rather than as an after thought to the assessment of environmental concerns" (*Clyde River (Hamlet) v. Petroleum Geo-Services Inc*).

An example of where MNO input should have been sought was in the consideration of Human Health (Section 3.4.5 of the CNSC Environmental Assessment Report). CNL completed a Human Health Risk Assessment ("HHRA") and as part of that assessment process, identified human receptors. The receptors included Balmer Bay residents, Sheenboro Farms residents, Harrington Bay residents, Petawawa residents and Pembroke residents. The Balmer Bay residents and Sheenboro Farm residents were selected because, among other things, they hunt deer in the vicinity; the Harrington Bay, Petawawa and Pembroke residents were selected because, among other things, they consume fish from the Ottawa River. The pathways for exposure included ingestion of local meat and fish. However, the Métis Nation of Ontario consumption rates may differ from those of local residents. Particularly, as MNO reliance on a traditional diet has the potential to be much higher than that of these identified local residents. Therefore, to increase confidence in the results of the HHRA and ensure receptors cover off all segments of the population ingesting wild meat, fish and plants – the duty to consult with the MNO should have been triggered; MNO citizens should have been identified as receptors and consumption data should have been collected.

This example illustrates that the duty to consult should have been triggered and some assessment should have been completed with MNO involvement. It is our recommendation that this issue, as well as the other items contained in the below chart, be raised with CNL and CNSC to ensure they are aware of this gap and resulting Licence Renewal deficiencies in relation to Métis rights and interests.

Sincerely,



Germaine Conacher

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#	Document	Section	Page	Comment
CNL Application-CNNO-17-0005-L				
1	CNL Application-CNNO-17-0005-L	Cover letter	P1 of 77	<p>This Section states:</p> <p><i>“This further enables a commitment to ensuring the health, safety, and security of employees and members of the public, with protection for the environment, and ensures that international obligations to which Canada has agreed are appropriately maintained.”</i></p> <p>This Section could be more inclusive by specifically referencing a commitment to Indigenous peoples (rather than just assuming it under the category of “members of the public”).</p>
2	CNL Application-CNNO-17-0005-L	Cover letter	P2 of 77	<p>CNL referenced a public engagement and outreach commitment in accordance with CNSC REGDOC-99.3: Public Information and Disclosure.</p> <p><i>“CNL is committed to engagement and outreach with the public through the Public Information Program, which has been prepared in accordance with the CNSC Regulatory Document RD/GD-99.3: Public Information and Disclosure.”</i></p> <p>However, CNL did <i>not</i> refer to Aboriginal engagement regulation (REGDOC-3.2.2 Aboriginal Engagement). Nor did CNL commit to or mention any Aboriginal engagement activities. This is problematic as Métis Nation of Ontario rights and interests cannot be assessed through a Public Information Program.</p>
3	CNL Application-CNNO-17-0005-L	Attachment A	P6 of 77	<p>The documents (A1: Canadian Nuclear Safety Commission, License Conditions handbook for Chalk River Laboratories, NRTEOL-LCH-01/2018, Revision 0, 2016 December 12; A2: Chalk River Laboratories, Nuclear Research and Test Establishment Operating License, NRTEOL-01.00/2018; and A3: Management System- manual, 900-514100-MAN-001, Revision 0, 2017 January) listed in the References were not in the application package presented to the Métis Nation of Ontario.</p> <p>The Métis Nation of Ontario should be provided access to review all relevant documents related to CNL’s license renewal application to facilitate a fulsome review. This absence of document provision is likely indicative of the lack of consultation by CNL with the Métis Nation of Ontario since 2011.</p>
4	CNL Application-CNNO-17-0005-L	Attachment B Nuclear Safety Control Act Section 24(2)(a)	P7 of 77	<p>It is unclear from the CNL Application whether the Aboriginal engagement report and a summary of Aboriginal engagement activities for the license renewal will be considered as ‘other supporting material’ and provided to the CNSC under a separate cover.</p> <p>Additionally, it is unclear whether the Métis Nation of Ontario will have the opportunity for preliminary review of this engagement report and summary prior to filing to ensure it accurately represents the Aboriginal engagement with the Métis Nation of Ontario.</p>
5	CNL Application-CNNO-17-0005-L	Attachment B Nuclear Safety Control Act Section 24(4)(a)(b)	P7 of 77	<p>The Nuclear Safety Control Act 24(4) provides that:</p> <p><i>“the applicant will make adequate provision for the protection of the environment, health and safety of persons and the maintenance of national security and...”</i></p>

#	Document	Section	Page	Comment
				However, in CNL's response, it is unclear how those proposed actions relate to ensuring protection of Aboriginal, particularly Metis, rights and interests.
6	CNL Application-CNNO-17-0005-L	Attachment B Nuclear Safety Control Act Section 24(4)(b)	P8 of 77	<p>Please provide the definition for 'environment' as referenced from the <i>Nuclear Safety and Control Act</i>, 1997.</p> <p>There is no definition for the term within the Act, therefore, we assume that the definition of <i>environment</i> used is the definition under the <i>Canadian Environmental Assessment Act</i>, 2012 (CEAA, 2012).</p>
7	CNL Application-CNNO-17-0005-L	Attachment B General Nuclear Safety and Control Regulation Section 3(c)(d)	P10 of 77	<p>With respect to "...the description of nuclear facilities and prescribed equipment...", CRL LCH [B-2] was <i>not</i> included in CNL's application submissions as suggested in CNL's response; and Appendix D, tables D-1 and D-2 could not be identified.</p> <p>The Métis Nation of Ontario should be provided access to public documents related to CNL's license renewal application to facilitate a fulsome review. This absence of document provision is likely indicative of the lack of consultation by CNL with the Métis Nation of Ontario since 2011.</p>
8	CNL Application-CNNO-17-0005-L	Attachment B General Nuclear Safety and Control Regulation Section 3(e)-(h)	P11 of 77	<p>As mentioned in the above, CRL LCH [B-2] (i.e., Licence Conditions Handbook for Chalk River Laboratories, NRTEOL-LCH-01/2018, Revision 0) was not provided. It is noted that "General assessment of SCAs" is discussed under Section 3 in the document CMD 5373261. Furthermore, a proposed License Conditions Handbook numbered e-Doc 4978828 (i.e., Licence Conditions Handbook for Chalk River Laboratories, NRTEOL-LCH-01/2028, Revision 0) is included in CMA 5373261.</p> <p>However, the references to the Sections in CNL's response are not in line with the proposed License Conditions Handbook numbered e-Doc 4978828.</p>
9	CNL Application-CNNO-17-0005-L	Attachment B General Nuclear Safety and Control Regulation Section 3(i)-(k)	P12 of 77	Same as above
10	CNL Application-CNNO-17-0005-L	Attachment B General Nuclear Safety and Control Regulation Section 3(l)-(m)	P13 of 77	Same as above
11	CNL Application-CNNO-17-0005-L	Attachment B General Nuclear Safety and Control Regulation Section 3(1.1)(a)(b)	P13 of 77	<p>The CNL Management System Manual [B-3] and lower tier documents, as referred to in CNL's response, are not provided in the submissions.</p> <p>The Métis Nation of Ontario should be provided access to public documents related to CNL's license renewal application to facilitate a fulsome review. This absence of document provision is likely indicative of</p>

#	Document	Section	Page	Comment
				the lack of consultation by CNL with the Métis Nation of Ontario since 2011.
12	CNL Application-CNNO-17-0005-L	Attachment B General Nuclear Safety and Control Regulation Section 3(2)	P14 of 77	CRL LCH [B-2] is not included in the submissions. Also, the references to the Sections in CNL's response are not in line with the proposed License Conditions Handbook numbered e-Doc 4978828.
13	CNL Application-CNNO-17-0005-L	Attachment B General Nuclear Safety and Control Regulation Section 5(a)(b)	P15 of 77	As referenced in CNL's response, other supporting material was not clearly identified. The Métis Nation of Ontario should be provided access to public documents related to CNL's license renewal application to facilitate a fulsome review. This absence of document provision is likely indicative of the lack of consultation by CNL with the Métis Nation of Ontario since 2011.
14	CNL Application-CNNO-17-0005-L	Attachment B General Nuclear Safety and Control Regulation Section 7	P16 of 77	As referenced in CRL's response, CRL LCH [B-2], Management System Manual [B-3] and lower tier documents were not provided in the submissions. The Métis Nation of Ontario should be provided access to public documents related to CNL's license renewal application to facilitate a fulsome review. This absence of document provision is likely indicative of the lack of consultation by CNL with the Métis Nation of Ontario since 2011.
15	CNL Application-CNNO-17-0005-L	Attachment B General Nuclear Safety and Control Regulation Section 15(a)(b)	P18 of 77	As referenced in CNL's response, CRL LCH [B-2], Management System Manual [B-3] and lower tier documents were not provided in the submissions. The Métis Nation of Ontario should be provided access to public documents related to CNL's license renewal application to facilitate a fulsome review. This absence of document provision is likely indicative of the lack of consultation by CNL with the Métis Nation of Ontario since 2011.
16	CNL Application-CNNO-17-0005-L	Attachment B Radiation Protection Regulation Section 18	P19 of 77	As referenced in CNL's response, Dosimetry Service License [B-4] was not provided in the submissions. The Métis Nation of Ontario should be provided access to public documents related to CNL's license renewal application to facilitate a fulsome review. This absence of document provision is likely indicative of the lack of consultation by CNL with the Métis Nation of Ontario since 2011.
17	CNL Application-CNNO-17-0005-L	Attachment B Class I Nuclear Facilities Regulation Section 3	P20 of 77	As referenced in CNL's response, CRL LCH [B-2] was not provided in the submissions. Therefore, Appendix B, tables B-1 could <i>not</i> be identified. The Métis Nation of Ontario should be provided access to public documents related to CNL's license renewal application to facilitate a fulsome review. This absence of document provision is likely indicative of the lack of consultation by CNL with the Métis Nation of Ontario since 2011.
18	CNL Application-CNNO-17-0005-L	Attachment B Class I Nuclear Facilities Regulation Section 3(a)(b)	P20 of 77	As referenced in CNL's response, Chalk River Laboratories Annual Safety Review for 2015 Under Licence NRTEOL-01.02/2016 [B-5] was not provided in the submissions. Therefore, Appendix B, tables B-1 could not be identified. The Métis Nation of Ontario should be provided access to public documents related to CNL's license renewal application to facilitate a fulsome review. This absence of document provision is likely indicative of

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				the lack of consultation by CNL with the Métis Nation of Ontario since 2011.
19	CNL Application-CNNO-17-0005-L	Attachment B Class I Nuclear Facilities Regulation Section 3(a)(b)	P20 of 77	<p>As referenced in CNL's response, Chalk River Laboratories Annual Safety Review for 2015 Under Licence NRTEOL-01.02/2016 [B-5] and CRL LCH [B-2] were not provided in the submissions.</p> <p>The Métis Nation of Ontario should be provided access to public documents related to CNL's license renewal application to facilitate a fulsome review. This absence of document provision is likely indicative of the lack of consultation by CNL with the Métis Nation of Ontario since 2011.</p>
20	CNL Application-CNNO-17-0005-L	Attachment B Class I Nuclear Facilities Regulation Section 3(d)	P21 of 77	<p>The CNL Management System Manual [B-3] and lower tier documents as referred to in CNL's response were not provided in the submissions. We were not able to verify whether "...quality assurance program is compliant with the Class I Nuclear Facilities Regulations".</p> <p>Furthermore, it could not be evidenced that "...the revised Management System is now fully aligned to CSA N286-05 and will be further revised to meet CSA N286-12 requirements".</p> <p>The Métis Nation of Ontario should be provided full access to public documents related to CNL's license renewal application to facilitate a fulsome review. This absence of document provision is likely indicative of the lack of consultation by CNL with the Métis Nation of Ontario since 2011.</p>
21	CNL Application-CNNO-17-0005-L	Attachment B Class I Nuclear Facilities Regulation Section 3(j)	P22 of 77	<p>The requirements for notification of "...local residents..." through the Public Information Program and Public Disclosure are insufficient notification protocols for the Métis Nation of Ontario.</p> <p>The Métis Nation of Ontario represent citizens who have constitutionally protected Aboriginal rights that may be exercised in the vicinity of the CNL Project. A specialized notification process should be implemented to ensure the Métis Nation of Ontario is notified of the general nature and characteristics of anticipated effects on the environment and the health and safety of Métis Nation of Ontario citizens which may result from the activity to be relicensed.</p>
22	CNL Application-CNNO-17-0005-L	Attachment B Class I Nuclear Facilities Regulation Section 3(k)	P23 of 77	<p>As CRL LCH [B-2] was not provided in the submissions, the "...proposed plan for the decommissioning of the site" could not be adequately reviewed.</p> <p>The Métis Nation of Ontario should be provided access to public documents related to CNL's license renewal application to facilitate a fulsome review. This absence of document provision is likely indicative of the lack of consultation by CNL with the Métis Nation of Ontario since 2011.</p>
23	CNL Application-CNNO-17-0005-L	Attachment B Class I Nuclear Facilities Regulation Section 6	P26 of 77	<p>As CRL LCH [B-2] was not provided in the submissions, information on the nuclear facilities structures could not be reviewed. Similarly, the Métis Nation of Ontario has not, to date, been engaged in CNL's investigation of the possibility of Small Modular Reactor construction.</p> <p>The Métis Nation of Ontario should be provided access to information and documents related to this licence renewal application to ensure its rights and interests are not affected.</p>

#	Document	Section	Page	Comment
24	CNL Application-CNNO-17-0005-L	Attachment B Class I Nuclear Facilities Regulation Section 6(a)(b)(c)	P26 of 77	Same as above
25	CNL Application-CNNO-17-0005-L	Attachment B Class I Nuclear Facilities Regulation Section 6(h)(i)(j)	P28 of 77	<p>As CRL LCH [B-2] was not provided in the submissions, the Métis Nation of Ontario were not able to verify "...compliance with the requirements for environmental effects and health and safety of persons and requirements for environmental protection..." "...through implementation of the corresponding programs".</p> <p>Further, compliance with SCA guidelines does not ensure that the application has sufficient information on the environmental effects and the effects on the health and safety of persons that may result from the operation and decommissioning of the nuclear facility.</p>
26	CNL Application-CNNO-17-0005-L	Attachment B Class II Nuclear Facilities Regulation Section 4 (b)	P36 of 77	<p>CNL's response specified that "...any required information or plans describing commissioning of new Class II equipment or sources will be provided to the CNSC under separate cover...";</p> <p>The Métis Nation of Ontario should be provided access to public documents related to CNL's license renewal application to facilitate a fulsome review; particularly documents which will also be provided and reviewed by CNSC. This absence of document provision is likely indicative of the lack of consultation by CNL with the Métis Nation of Ontario since 2011.</p>
27	CNL Application-CNNO-17-0005-L	Attachment B Class II Nuclear Facilities Regulation Section 4 (i)(j)(k)	P37 of 77	<p>As CRL LCH [B-2] was not provided in the submissions, we were not able to review relevant material for the Class II nuclear facilities, such as methods for measuring the effectiveness of the shielding of the nuclear facility.</p> <p>Effective shielding is of concern as the potential effects from ineffective shielding could extend beyond the CNL project site and potentially affect the Métis Nation of Ontario's rights and interests.</p>
28	CNL Application-CNNO-17-0005-L	Attachment B Nuclear Substance and Radiation Devices Regulation Section 3(a)	P46 of 77	As referenced in CNL's response, The CNL Management System Manual [B-3] and CRL LCH [B-2] were not provided in the submissions.
29	CNL Application-CNNO-17-0005-L	Attachment B Nuclear Substance and Radiation Devices Regulation Section 3(b)	P46 of 77	<p>As CRL LCH [B-2] was not provided in the submissions, we were not able to verify the "compliance ... for monitoring and handling radioactive contamination ... through the implementation of corresponding programs".</p> <p>This is important as radioactive contamination has the potential to affect Métis Nation of Ontario rights and interests and extend beyond the CNL project site boundary.</p>
30	CNL Application-CNNO-17-	Attachment C Significant Evolutionary Initiatives Planned for the Proposed Ten Year Period of the	P69 of 77	Attachment C gives a high-level overview of 6 significant evolutionary initiatives planned for ten-year period of the renewed licence. Specifically, these six areas are:

#	Document	Section	Page	Comment
	0005-L	Renewed Licence C1		<ul style="list-style-type: none"> • Science and technology program • Chalk River Laboratories infrastructure improvements • Management system evolution • National Research Universal Reactor shutdown plans • Decommissioning and waste management • Near surface disposal facility <p>Subject to the Commission's approval together with the licence renewal, CNL will proceed with these key changes. However, it is unclear if CNL will carry out Aboriginal consultation (with the exception of the NSDF which triggered CEAA 2012) for planning, designing and implementing these changes. Some new buildings and conversion of the current facilities, shutdown of the NRU reactor, waste management and transportation, and decommissioning old facilities will have potential effects on rights and interests of the Métis Nation of Ontario.</p>
31	CNL Application- CNNO-17- 0005-L	Attachment C Significant Evolutionary Initiatives Planned for the Proposed Ten Year Period of the Renewed Licence C1	P69 of 77	<p>This Section outlines the long-term vision for CNL which specifies that CNL will be structured to "...meet current and changing Canadian federal, commercial and public priorities."</p> <p>However, without reference to Aboriginal rights and interests throughout the application document, this goal cannot be met. Canada's current government has identified reconciliation with Aboriginal Nations as a priority. There are many steps forward in this regard, including a review of the current Environmental Assessment process. We recommend CNL include current Aboriginal engagement principles.</p>
CMD 5373261 - CNL application for the licensing of the nuclear research and test establishment licence for the Chalk River Laboratories				
32	Commission Member Document (CMD) 5373261	Executive Summary	PDF P1 of 263	<p>This document states that:</p> <p><i>"Based on this assessment, CNSC staff conclude that CNL has made and will continue to make adequate provisions for the protection of the environment and the health and safety of persons, and that there were no adverse effects on the health and safety of persons or the environment as a result of the operation of CRL."</i></p> <p>This conclusion may be premature as the assessment did not include a fulsome assessment of effects on Métis rights and interests. In the recent court case of <i>Clyde River (Hamlet) v. Petroleum Geo-Services Inc.</i>, 2017 SCC 40, para. 22 it states:</p> <p><i>"Where the regulatory process being relied upon does not achieve adequate consultation or accommodation, the Crown must take further measures to meet its duty."</i></p> <p>As the CNSC, in this case, is the Crown decision maker for the licence renewal, further measures must be taken by the CNSC to ensure that the Métis Nation of Ontario's rights and interests are assessed.</p>

#	Document	Section	Page	Comment
				This must be completed in advance of the decision. The Métis Nation of Ontario requires "...reasonable assurance that their constitutionally protected ... rights ..." are "...considered as rights, rather than as an after thought to the assessment of environmental concerns" (<i>Clyde River (Hamlet) v. Petroleum Geo-Services Inc.</i>).
33	Commission Member Document (CMD) 5373261	Executive Summary	PDF P7 of 263	<p>This Section states:</p> <p><i>"The public, Indigenous groups and other stakeholders were invited to participate in the regulatory relicensing process. To enable their participation, up to \$75,000 was made available through the CNSC Participant Funding Program (PFP)".</i></p> <p>The funds allocated to Aboriginal engagement and consultation was not sufficient. Furthermore, other comparable CNSC regulatory processes have had larger funding amounts available to Indigenous groups which is used to supplement proponent funding for the consultation and engagement process. For this process, CNL has not provided additional capacity for consultation as part of their process.</p>
34	Commission Member Document (CMD) 5373261	1.3 Overall conclusions	PDF P14 of 263	<p>This Sections states that:</p> <p><i>"CNSC staff have concluded that ... (2) the licensee will, in carrying on that activity, 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".</i></p> <p>This conclusion may be premature as the application did not include a fulsome assessment of effects on Métis rights and interests</p>
35	Commission Member Document (CMD) 5373261	2.1 CNL Planned Initiatives for the Proposed License Period	PDF P15 of 263	<p>Under Section 2.1, it states:</p> <p><i>"CNSC staff note that the approval of the NSDF does not impact CNL's licence renewal request or the planned activities at CRL. If the NSDF is not approved, CNL would carry out the planned decommissioning and waste management activities at CRL using interim storage methods instead of the permanent waste disposal facility."</i></p> <p>Potential adverse effects to the Métis Nation of Ontario rights and interests are not sufficiently assessed in the NSDF EIS; therefore, the Métis Nation of Ontario should be engaged to ensure the interim storage methods would not affect their rights and interests.</p>
36	Commission Member Document (CMD) 5373261	2.1.3 Improvements to the CRL site wide Infrastructure	PDF P17 of 263	<p>Improvements to the site wide infrastructure, particularly construction of new buildings and facilities and upgrades to shared services and utilities, have a greater potential to affect Metis rights and interests as these activities have components which extend off the CRL site (e.g. increased traffic, increased workers, changes in perception). However, there is no discussion of these potential effects within this Section. Conducting a Traditional Knowledge and Land Use Study would be helpful for CNL to understand and</p>

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37	Commission Member Document (CMD) 5373261	2.1.4 Continuation of decommissioning and waste management	PDF P17 of 263	<p>consider Métis rights and interests.</p> <p>Under Section 2.1.4, it states that:</p> <p><i>“During the proposed licence period, over 120 buildings and structures are scheduled for decommissioning or demolition. Additionally, CNL plans to design and build long-term waste management and disposal facilities, process and store legacy waste, remove and process the stored radioactive liquid waste and decommission the associated tanks and structures, remediate some of the affected lands at CRL”.</i></p> <p>It is suggested that CNSC staff will continue to provide regulatory oversight of these activities. However, this is insufficient without adequate consultation between CNL and the Métis Nation of Ontario. Potential effects to Métis Nation of Ontario rights, interests and preferences should be considered and referenced in relation to the decommissioning and waste management plans in accordance with the ongoing commitment to Aboriginal consultation and engagement identified by the CNSC.</p>
38	Commission Member Document (CMD) 5373261	2.2 Environmental Assessment	PDF P18 of 263	<p>This Section states:</p> <p><i>“CNSC staff conclude that the licensee will make adequate provision for the protection of the environment and health of persons.”</i></p> <p>This conclusion may be premature as the application did not include a fulsome assessment of effects on Métis rights and interests</p>
39	Commission Member Document (CMD) 5373261	2.3 Relevant Safety and Control Areas (SCAs)	PDF P18, P19 of 263	<p>The Métis Nation of Ontario recently (in 2017) provided comment on Regulatory Oversight Report for Canadian Nuclear Power Plants (2016). Within this commentary, many suggested changes to SCAs were proposed.</p> <p>Similar to these previously filed comments, we would suggest the addition of Aboriginal Consultation as a potential SCA to ensure compliance with Aboriginal Consultation principles on a broader scale for applications which may not trigger environmental assessments under CEAA, 2012 or Section 67 of CEAA, 2012.</p>
40	Commission Member Document (CMD) 5373261	3.9.3.1 Effluent and emissions control (releases)	PDF P64 of 263	<p>Under this Section, it states that:</p> <p><i>“CNL completed the implementation of CSA N288.5, Effluent Monitoring Programs at Class I Nuclear Facilities and Uranium Mines and Mills in December 2013. In 2015, CNSC staff conducted a review of CNL’s effluent verification program and concluded that the control, monitoring and reporting of releases at CRL are adequate and in compliance with regulatory requirements”.</i></p> <p>However, CSA standards do not take the Métis Nation of Ontario’s rights and interests into consideration. Therefore, compliance with CSA standards does not ensure that the potential adverse environmental effects to Métis rights and interest are considered.</p>

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41	Commission Member Document (CMD) 5373261	3.9.3.1 Environmental risk assessment	PDF P67 of 263	<p>Under this Section, it states that CNL prepares an environmental risk assessment (“ERA”), which is reviewed on a five-year cycle or when major changes occur to facilities on site. CNSC staff reviewed the ERA and confirmed that it met the requirements outlined in CSA standard N.288.6, Environmental Risk Assessment at Class I Nuclear Facilities and Uranium Mines and Mills. With respect to the NSCA, CNSC staff have concluded that there is no unreasonable risk to fish population from impingement and entrainment.</p> <p>CNSC staff are currently reviewing the additional information submitted by CNL regarding the dose assessment for chimney swifts.</p> <p>However, CSA standards in general do not take the Métis Nation of Ontario’s rights and interests into consideration. Therefore, compliance with CSA standards does not necessarily mean the potential adverse environmental effects on the Métis Nation of Ontario have been assessed.</p>
42	Commission Member Document (CMD) 5373261	3.11.3.1 Decommissioning plans	PDF P75 of 263	<p>Under this Section, it states that:</p> <p><i>“CNSC staff note that for environmental remediation jobs that would generate large volumes of radioactive waste, CNL will defer this work until an appropriate disposal facility is authorized”.</i></p> <p>As mentioned in the above Section 2.1, CNL will carry out the planned decommissioning and waste management activities at CRL using interim storage methods instead of the permanent waste disposal facility. Before the NSDF is approved, it is unclear how CNL can ensure that those storage methods would not cause potential effects on the Métis Nation of Ontario.</p>
43	Commission Member Document (CMD) 5373261	4.1.1 and 4.1.2 Aboriginal Consultation	PDF P86, 87 of 263	<p>Notwithstanding that the regulatory requirements set out in CNSC REGDOC-3.2.2 pertaining to formal consultation do not apply to CNL’s licence renewal application, CNL was advised by CNSC to continue engage with interested Aboriginal communities on the license application and on-going activities of interest to these communities.</p> <p>CNL concluded that the licence renewal should not trigger the duty to consult as CNL is not proposing any changes to the facility on the current licensing basis. However, given that CNL has proposed <i>Significant Evolutionary Initiatives</i> for the renewed license period (including, but not limited to, Waste Management Area Class I nuclear facility and Small Modular Reactor construction at CRL, the Métis Nation of Ontario should be kept informed of these evolutionary initiatives through a structured consultation process so that Métis rights and interests may be protected.</p> <p>It is insufficient for CNL to rely on a regulatory process which has no mechanism to fulfill the duty to consult and that does not give adequate consideration to the abovementioned areas of interests of the Métis Nation of Ontario. It is recommended that CNL maintain continuous engagement and follow up with the Métis Nation of Ontario with regards to the on-going activities and any emergent interests and concerns.</p>

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44	Commission Member Document (CMD) 5373261	4.1.1 Discussion	PDF P86 of 263	<p>This Section states:</p> <p><i>“As CNL’s licence application does not propose any new activities, regulatory requirements set out in CNSC REGDOC-3.2.2 pertaining to formal consultation do not apply.”</i></p> <p>However, there are numerous ‘Matters for Consideration’ which include improvements to the CRL site wide infrastructure which may have secondary effects on the Metis Nation of Ontario’s rights and interests. These improvements to site wide infrastructure should trigger CNSC REGDOC-3.2.2 and allow for formal consultation both from CNL and CNSC.</p>
45	Commission Member Document (CMD) 5373261	4.1.2 Conclusions	PDF P87 of 263	<p>This Section states:</p> <p><i>“Based on the information received and reviewed, CNSC staff determined that the CRL is an existing site with restricted access and CNL is not proposing any changes to the facility’s footprint or current licensing basis. This licence application will not cause adverse impacts to any potential or established Aboriginal and/or treaty rights.”</i></p> <p>This does not consider the potential activities related to the improvements to site wide infrastructure which may include environmental or socio-economic effects that extend beyond the Project footprint and could potentially negatively affect the Métis Nation of Ontario’s rights and interests.</p> <p>Without assessment of these potential effects, the CNSC’s conclusion is premature.</p>
46	Commission Member Document (CMD) 5373261	4.7 Fisheries Act Authorization	PDF P91 of 263	<p>This Section states:</p> <p><i>“CNL completed a self-assessment of the NRU cooling water intake at the CRL site on fish impingement and entrainment which concluded that “serious harm to fish” as defined in the Fisheries Act is occurring... Until that time, CNL continues to operate under the existing self-assessment.”</i></p> <p><i>“CNSC staff are currently reviewing the additional information submitted by CNL in order to make a recommendation to DFO as to whether an Application for Authorization under Paragraph 35(2)(b) of the Fisheries Act is required”.</i></p> <p>The Métis Nation of Ontario harvesters have recognized rights to fish near the CRL site. The identified harm to fish is a potential effect to the fish and fish habitat and Métis harvesting rights, particularly as these effects may extend beyond the CNL project site.</p> <p>Without a traditional land use study, or equivalent, completed to identify the locations of Métis harvest, such assessment is incomplete and inadequate.</p>

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47	Commission Member Document (CMD) 5373261	4.7 Fisheries Act Authorization	PDF P91 of 263	<p>The Métis Nation of Ontario is interested in an update on fish impingement and entrainment where ‘serious harm to fish’ as defined in the Fisheries Act is occurring; it is our understanding this will occur at the CNSC hearing in January 2018.</p> <p>Additionally, the Métis Nation of Ontario requests ongoing notification related to this issue by CNL.</p>
48	5325993 CNSC Environmental Assessment Report	Executive summary	PDF P201 of 263	<p>This Section states:</p> <p><i>“The EA Report focuses on environmental topics that are of current public and regulatory interest such as, releases to air and water, health of the surrounding populations, and the protection of groundwater, surface water, aquatic and terrestrial environments.</i></p> <p><i>CNSC staff’s conclusions are based on, but not limited to, the following that:</i></p> <p><i>the results of the CNSC’s 2012, 2013 and 2015 IEMP confirm that the public and the environment in the vicinity of the CRL site are protected from the releases from the site”.</i></p> <p><i>“...CNL has made and will continue to make adequate provision for the protection of the environment and the health of persons, up till and including the decommissioning and abandonment of the site”.</i></p> <p>Focusing only on biophysical environmental components without identifying effects to Métis rights and interests leaves gaps in the Environmental Assessment Report.</p> <p>Pursuant to REGDOC 2.9.1 <i>Environmental Principles, Assessments and Protection Measures</i>, environmental effects under NSCA include any effect of any change referred to on “the current use of lands and resources for traditional purposes by Aboriginal persons”. Additionally, it provides that “the EA report for an EA under the NSCA covers those elements of the facility or activity that are deemed to be of Aboriginal, public or general interest”.</p> <p>Biophysical components are only one facet of Aboriginal rights and by focusing on this, key aspects of Métis cultural and societal values are missed. For example, these components do not allow for Métis attitudes and perceptions to be considered.</p> <p>This EA report is silent on Aboriginal consultation and engagement. According to REGDOC 2.9.1, an EA under the NSCA allows for engagement on a case-by-case basis with the public and Aboriginal groups on the EA report before the licensing decision. CNSC should take these important concerns that have been continuously expressed by the Métis Nation of Ontario into account when assessing CNL’s provision for the protection of environment.</p>
49	5325993	Executive Summary	PDF P201 of	This Section outlines the environmental topics that “...are of current public and regulatory interest...”

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	CNSC Environmental Assessment Report		263	however, none of the topics listed specifically relate to Métis rights and interests.
50	5325993 CNSC Environmental Assessment Report	Executive Summary	PDF P201 of 263	The conclusion listed that "...CNL has made, and will continue to make, adequate provision for the protection of the environment and the health of persons, up until and including the decommissioning and abandonment of the site" is premised on a historically incomplete or inadequate consultation process with the Métis Nation of Ontario.
51	5325993 CNSC Environmental Assessment Report	1.1 Purpose	PDF P205 of 263	<p>This Section states:</p> <p><i>"This EA Report will be used as a mechanism to communicate to the public, Indigenous communities and the Commission the current status of the site and its activities."</i></p> <p>However, the EA Report should also be used as a mechanism to provide details to Indigenous communities, specifically the Métis Nation of Ontario, on <i>potential</i> adverse effects to their rights and interests.</p>
52	5325993 CNSC Environmental Assessment Report	1.1 Purpose	PDF P205 of 263	The listing of selected topics which were presented in detail in the EA Report did not include Aboriginal rights and interests, specifically, Métis rights and interests. This topic is of interest and importance to the Métis Nation of Ontario and should have been detailed as part of the EA Report.
53	5325993 CNSC Environmental Assessment Report	1.2 Background	PDF P205, P206 of 263	It would be helpful to have a small paragraph describing the location of the CRL site in terms of Indigenous Nations and land use in this Section.
54	5325993 CNSC Environmental Assessment Report	2.1.1 Environmental Risk Assessment	PDF P207 of 263	<p>Under this Section, it states that:</p> <p>"CNL submitted an ERA for the CRL site in accordance with CSA Standard N288.6-12...CNSC further determined it to be aligned with the CSA Standard".</p> <p>However, there are no CSA Group Standards which speak specifically to Aboriginal rights, or Métis rights and interests. Therefore, the risk to rights and interests were not considered and uncertainties remain.</p>
55	5325993 CNSC Environmental Assessment Report	2.1.1 Environmental Risk Assessment	PDF P207 of 263	<p>This Section specifies that the Environmental Risk Assessment identifies interactions between activities and the environment, but does not specify where or when socio-economic effects are dealt with.</p> <p>Please advise.</p>

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56	5325993 CNSC Environmental Assessment Report	Table 2.1: Summary of CNL's 2013 environmental risk assessment conclusion	PDF P209 of 263	<p>There is no discussion within this table of radiological risk in terms of Métis rights and interests. This is of importance as there are potential effects to a "...small number of aquatic species in the Perch Lake watershed..." which are deemed unlikely to affect population levels, but have potential to affect Métis harvesters through country food consumption.</p> <p>Further there are some "...terrestrial biota that are predicted to receive exposures above benchmarks, mostly due to cesium-137 from containment plumes..." which, again, were deemed unlikely to affect population levels, but have potential to affect Métis harvesters through country food consumption.</p>
57	5325993 CNSC Environmental Assessment Report	Table 2.1: Summary of CNL's 2013 environmental risk assessment conclusion	PDF P209 of 263	<p>There is no discussion within this table of non-radiological risk in terms of Métis rights and interests. This is of importance as there are potential effects to a "...some aquatic biota that are predicted to receive chemical exposures above benchmarks, principally from copper and iron" which exceedances are predicted to be marginal, but have potential to affect Métis harvesters through country food consumption.</p> <p>Further there are some "...terrestrial biota that are predicted to receive chemical exposures above soil benchmarks, principally from cadmium, copper, zinc and iron" which, again, were predicted to be marginal but could have potential effects to Métis consumption.</p>
58	5325993 CNSC Environmental Assessment Report	Table 2.2: ERA recommendations and status update	PDF P210, P211 of 263	There are no ERA recommendations related to Aboriginal rights and interests, specifically Métis rights and interests. This highlights the overall lack of consideration of matters of importance to the Métis Nation of Ontario and the cursory and surficial consultation process to date.
59	5325993 CNSC Environmental Assessment Report	2.1.1 Environmental Risk Assessment	PDF P211 of 263	<p>This Section specifies that "CNL has indicated their intention to submit an updated ERA in December 2018."</p> <p>This updated ERA would be an excellent opportunity to update the overall process to include Métis specific information.</p>
60	5325993 CNSC Environmental Assessment Report	2.1.4 Environmental Monitoring	PDF P213 of 263	The Environmental Monitoring Program is designed to sample, measure, analyze and interpret the intensity of physical stressors and their potential effect on human health. However, without consultation with the Métis Nation of Ontario, there can be gaps in this assessment as typical public receptors do not account for the exercise of Métis rights and interests in the Project vicinity.
61	5325993 CNSC Environmental Assessment Report	3.0 Status of Environment Section	PDF P219 of 263	<p>This Section states:</p> <p><i>"Additionally, a Section updating the Commission, the public and the Indigenous communities on the status of a Fisheries Act authorization for the CRL site is provided".</i></p> <p>The status of a Fisheries Act authorization is missing.</p>

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62	5325993 CNSC Environmental Assessment Report	3.1 Regional monitoring initiatives	PDF P219- 220 of 263	<p>This Section states:</p> <p><i>“CNSC staff are not aware of any regional monitoring initiatives conducted in the area of the CRL site that could provide additional information on potential environmental impacts resulting from operations at the CRL site...”</i></p> <p><i>“The results of the Drinking Water Surveillance Program show that the activity of radionuclides of water from the Ottawa River are either below or slightly above the method detection limits. Also, the values are below the Health Canada Guidelines for Canadian Drinking Water Quality screening level. The results of the Drinking Water Surveillance Program substantiate CNSC staff’s conclusion that CNL has made, and will continue to make, adequate provisions for the protection of the environment and the health of persons”.</i></p> <p><i>“The sampling results at the Ottawa station for 2016 are consistent with data from previous years and are well below the acceptable public dose limit”.</i></p> <p>It is unclear how this conclusion was reached. As stated, no regional monitoring initiatives have been conducted around CRL site. The results of the Drinking Water Surveillance Program were obtained in 2011 and 2012 and only three radiological parameters (Tritium, Gross Alpha and Gross Beta) were tested. According to the Guidelines for Canadian Drinking Water Quality other radiological parameters such as Cesium, lead and radon must be monitored, however, based on the information provided, these parameters were not monitored. The results lacked consideration of chemical and physical parameters. Therefore, the results from 2012 cannot be used as a proxy for additional monitoring in 2016 to ensure that the aquatic life and drinking water in Ottawa River would not be affected.</p> <p>According to the Métis Nation of Ontario Interim Harvesting Agreement, the Ottawa River is defined within one of the Provincially and Federally recognized Métis rights-bearing traditional harvesting territories. More action by CNL should be required to provide adequate environmental protection and protection of the health of persons, specifically rights-bearing Métis citizens.</p>
63	5325993 CNSC Environmental Assessment Report	3.3 Status of the Environment	PDF P221 of 263	<p>This Section states that “The following Sections of the EA Report include summaries of project-environment interactions that were assessed by CNSC staff and were deemed to be of specific public and/or regulatory interest...”</p> <p>There is no mention of areas of interest to Aboriginal Nations, specifically the Métis Nation of Ontario.</p>
64	5325993 CNSC Environmental	3.4.2 Geological and hydrogeological environment	PDF P232 of 263	<p>This Section states:</p> <p><i>“Most of the tritiated water discharged to the Ottawa River by groundwater is the result of NRU fuel</i></p>

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	Assessment Report			<p><i>rod bay leaks, which are located near the Built-up Region of the CRL site.</i></p> <p><i>CNL will continue to monitor and report to the CNSC on tritium oxide discharge to the Ottawa River, and subsequently measure the effectiveness of the NRU Rod Bay Water Replacement Project”.</i></p> <p>There are not enough details related to the Ottawa river and how it would assimilate the discharge from the drainage basins and groundwater contaminant releases. Further, there are not enough details on how effects to aquatic life and drinking water sources are monitored and mitigated.</p>
65	5325993 CNSC Environmental Assessment Report	Figure 3.2: CRL facilities in relation to three primary drainage basins that are directly affected by CRL operations	PDF P227 of 263	From this figure, the referenced drainage basins appear to end at the CRL south property boundary. Is this an accurate illustration? How can aquatics be accurately assessed and visualized without the full scope of the basins where potential contaminants (radiological and non-radiological) may travel?
66	5325993 CNSC Environmental Assessment Report	Table 3.5 Average estimated yearly radionuclide releases in groundwater from below the Built-up Region of the CRL site to the Ottawa River for the 2011 – 2016 licence compared with release limits	PDF P232 of 263	Why is there an increase in gross beta (Bq/year) from 2.64×10^{09} in 2015 to 3.16×10^{09} ? Particularly as levels up to 2015 were declining.
67	5325993 CNSC Environmental Assessment Report	3.4.3 Aquatic environment	PDF P234 of 263	According to the Métis Nation of Ontario Interim Harvesting Agreement, the Ottawa River is within one of the Provincially and Federally recognized Métis rights-bearing traditional harvesting territories. The Métis Nation of Ontario should be provided baseline data which describes the plume area of the Perch Lake basin that has been affected by past operations and practices. This information will be helpful to identify trends which may result in potential effects.
68	5325993 CNSC Environmental Assessment Report	3.4.3 Aquatic Environment	PDF P239 of 263	Despite Lake Sturgeon populations upstream and downstream of the CRL site being described as stable and increasing they are still listed as ‘threatened’ under provincial regulation. This species is harvested by MNO Citizens and is a concern. The impingement and entrainment of Lake Sturgeon should be further explored, particularly, as an average of two juvenile Lake Sturgeon per year have been impinged.
69	5325993 CNSC Environmental Assessment Report	3.4.3 Aquatic environment	PDF P241 of 263	<p>This Section states:</p> <p><i>“Doses well above benchmarks indicate a potential for adverse effects and identify appropriate locations for effects monitoring and/or risk management. In this instance though, doses received above benchmarks are limited to the plume area of the Perch Lake basin, and are therefore unlikely to have an effect at the population level in the remaining area of Perch Lake and further downstream.</i></p> <p><i>At inland aquatic receptor locations, some aquatic biota was predicted to receive chemical exposures above benchmarks, principally for copper and iron.</i></p>

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				<p><i>Much of the contamination is a result of historic operations and early waste management practices. Current and future operations at CRL site are continuously monitored and controlled to ensure that historical groundwater contamination is not exacerbated...</i></p> <p>More detail should be provided in terms of the doses identified which exceed benchmarks and how these doses were identified to be limited to the plume area of the Perch Lake basin and how this limiting factor translated into unlikely effects at the population level in the remaining area of Perch Lake and further downstream. This is important to the Métis Nation of Ontario as further downstream effects as well as effects to migratory birds could potentially affect the Métis Nation of Ontario rights-bearing community from exercising their Métis rights.</p>
70	5325993 CNSC Environmental Assessment Report	3.4.5 Human health	PDF P247 of 263	As the Ottawa River is within a Provincially and Federally recognized Métis Nation of Ontario traditional harvesting territory, effects on fish and fish habitat should have translated into an increased need for consultation with the Métis Nation of Ontario. CNL failed to identify Métis interests as receptors and assess the potential effects to their rights and interests. CNSC's conclusion failed to consider how Métis citizens could be affected as human receptors through multiple pathways.
71	5325993 CNSC Environmental Assessment Report	3.4.5 Human Health	PDF P248 of 263	<p>There was no consideration of Métis Nation of Ontario rights-bearing citizens as human receptors who hunt and consume meat from deer.</p> <p>There was also no consideration of Métis Nation of Ontario rights-bearing citizens as human receptors who consume fish from the Ottawa River.</p> <p>There was also no consideration of Métis Nation of Ontario rights-bearing citizens as human receptors who consume migratory waterfowl from the Ottawa River, Perch Lake and connecting wetlands.</p> <p>There was also no consideration of traditionally harvested plants or medicines by Métis Nation of Ontario rights-bearing citizens.</p> <p>This is problematic as Métis consumption levels may differ from, for example, Balmer Bay residents or Sheenboro Farm residents who do not harvest these food sources as part of their cultural practices.</p>
72	5325993 CNSC Environmental Assessment Report	4.0 CNSC Independent Environmental Monitoring Program	PDF P250 of 263	This Section refers to the Independent Environmental Monitoring Program that was implemented to verify that the public are protected. The omission of the Métis Nation of Ontario and other Aboriginal Nations from the statements within this Section are problematic due to the unique consultative process afforded to them through the Crown's duty to consult.
73	5325993 CNSC Environmental Assessment	4.2 Results of IEMP and Table 4.1: Summary of CRL site IEMP 2012, 2013 and 2015 results	PDF P253- 257 of 263	The summary of CRL site IEMP results focused on limited biophysical components. These monitored parameters do not reflect potential effects on the Métis Nation of Ontario's rights and interests.

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74	Report 5325993 CNSC Environmental Assessment Report	5.0 Conclusion	PDF P258 of 263	<p>This Section states:</p> <p><i>“CNSC staff have concluded that the ERA is satisfactory and meets both the CNSC’s regulatory requirements and CSA Group standard N288.6-12, Environmental risk assessment at Class I nuclear facilities and uranium mines and mills.</i></p> <p><i>The CNSC’s 2012, 2013 and 2015 IEMP results also confirm that the public and the environment around the CRL site are protected and that there are no health impacts as a result of facility operations.</i></p> <p><i>This EA under the NSCA conducted for the proposed CRL licence renewal concludes that CNL has made, and will continue to make, adequate provision for the protection of the environment and the health of persons”.</i></p> <p>As previously noted, CSA standards do not take the Métis Nation’s rights and interests into consideration. Therefore, compliance with CSA standards does not necessarily mean the potential adverse environmental effects on the Métis Nation of Ontario have been considered.</p> <p>Further, the conclusion that the public and environment around the CRL site is sufficiently protected and there are no health effects is not well-established by simply relying on CNSC regulatory requirements and IEMP results. In the absence of a fulsome Aboriginal engagement program, the Métis Nation of Ontario’s harvesting rights and interests are not adequately considered.</p>
CMD 5390079 – Written Submission from Canadian Nuclear Laboratories in the Matter or the Chalk River Laboratories				
75	5390079 CNL Written Submission	1.2 Description of the Site	PDF P24 of 196	There is no description of the Aboriginal land context for the Project location. Specifically, there is no description of the Métis Nation of Ontario harvesting region with which this project resides.
76	5390079 CNL Written Submission	1.3.1 Chalk River Laboratories Infrastructure Improvements	PDF P30, P34 of 196	This Section is largely backward looking and does not describe CNL’s future planned infrastructure upgrades. As these future upgrades have the potential to affect Métis rights and interests through potential socio-economic effects, knowledge of the upgrades is necessary.
77	5390079 CNL Written Submission	1.3.1 Chalk River Laboratories Infrastructure Improvements	PDF P31 of 196	<p>Under this Section, it states:</p> <p><i>“Storm Water Management: work commenced in 2013 to allow the management of storm water outflows to the Ottawa River... The construction of two sets of capture ponds will enable CNL to capture potentially contaminated fire water runoff in the event of a fire in a nuclear facility”.</i></p> <p>More detail is required in terms of release of contaminated fire water runoff in the event of a fire in a nuclear facility. Specifically, water that may be released into the Ottawa River which has the potential to affect Métis rights and interests in the vicinity.</p>

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78	5390079 CNL Written Submission	1.3.2.1.4 Environment	PDF P36 of 196	<p>This Section states:</p> <p><i>“CNL will expand understanding of how radioactive material is transported through ecosystems ... these activities will ultimately be used to inform the development and deployment of SMRs to minimize the liability of future technologies.”</i></p> <p>Information from the Métis Nation of Ontario should be included in this expansion of knowledge as Métis harvesters are a potential receptor for radioactive transport through the ecosystem. By including Métis Nation of Ontario information, CNL can more accurately reach their goal of minimized liability.</p>
79	5390079 CNL Written Submission	1.5 Canadian Nuclear Safety Commission Safety and Control Area Ratings	PDF P45 of 196	SCAs do not include specific parameters to measure success of Aboriginal consultation and engagement. For the purpose of various compliance verification of CNL’s performances, these SCAs should be updated.
80	5390079 CNL Written Submission	10. Environmental Protection	PDF P100 of 196	This Section does not mention any Aboriginal Nations and does not specifically reference the Métis Nation of Ontario. The Métis Nation of Ontario has expressed interest in CNL’s environmental protection activities. The Métis Nation of Ontario should be engaged in the planning and processes to ensure Métis rights and interests are reflected and considered for the ongoing activities and future steps for reducing both environmental and socio-economic effects.
81	5390079 CNL Written Submission	10.1.1 Radiological Emissions	PDF P102 of 196	Table 7 within this Section summarizes the radiological emissions from CRL and estimated doses to critical groups outside CRL. However, the Métis Nation of Ontario are not identified and included in these ‘critical’ groups. CNL should implement programs to monitor radioactivity of terrestrial animals throughout the Métis Nation of Ontario harvesting territory.
82	5390079 CNL Written Submission	10.1.5 Ottawa River Fish Impingement/Entrainment	PDF P109 of 196	<p>The Ottawa River is located within a Métis Nation of Ontario harvesting area. It has been concluded that “serious harm to fish” according to the Fisheries Act will occur. The identified harm to fish could result in an effect to Métis rights and interests.</p> <p>CNL’s entrainment monitoring programs is a concern. The Métis Nation of Ontario has not been consulted on this program and requires immediate and ongoing consultation on this issue.</p>
83	5390079 CNL Written Submission	10.1.9 Ottawa Riverbed Remediation Project	PDF P114 of 196	<p>In this Section, it states that:</p> <p><i>“In conclusion, all lines of evaluation indicate that the potential human health and ecological risks from the presence of contaminated Ottawa River sediments are, and will continue to be, very low and acceptable. The project and its risk assessments concluded that there is no need to implement measures to reduce human health and ecological risks”.</i></p> <p>CNL’s human health risk assessment and ecological assessment and the conclusion reached do not consider the Métis Nation of Ontario’s rights and interests.</p>
84	5390079	16.1 Indigenous engagement	PDF P139 of	Under this Section, it states that:

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	CNL Written Submission		196	<p><i>“CNL continues to engage with local Indigenous communities on activities related to the general operation of the laboratories, environmental, and employment matters. These engagement activities are ongoing and include engagement through the Environmental Stewardship Council”.</i></p> <p>The continuous engagement with local Indigenous communities as referenced is not reflected in the licence renewal submissions. It is unclear how this continuous engagement influenced the licence renewal in any substantive way.</p> <p>It further states under Section 16.8.7.2 that <i>“The regular meeting dates of the Environmental Stewardship Council, three times per year...”</i>. The fact that CNL has only met with the Métis Nation of Ontario twice since 2011 is far from being sufficient to discuss the Project environmental impact and CNL’s practices. More importantly, the Environmental Stewardship Council can not be a substitute for Nation-specific Aboriginal consultation.</p>
85	5390079 CNL Written Submission	16.8 Public Information Program and Public Disclosure	PDF P144 of 196	<p>This Section outlines a suite of activities undertaken for the Public Information and Disclosure Program including:</p> <ul style="list-style-type: none"> • Promotional Material • Website and Public Disclosure • Social Media and Internal Broadcasts • Newsletters • Journals • Media Releases • Public Engagement and Outreach • Education/Science and Technology Communities • Environmental Stewardship Council <p>However, many of these activities are undertaken without a complimentary activity completed for Indigenous engagement and specific activities undertaken with the Métis Nation of Ontario are not described (with the exception of the Environmental Stewardship Council). Métis Nation of Ontario rights and interests cannot be assessed through a Public Information Program. Aboriginal consultation must be directed at each potentially-affected Aboriginal group.</p>
86	5390079 CNL Written Submission	16.10 Communications Support for Facility Environmental Assessment Aboriginal Engagement	P158 of 196	<p>Under this Section, it states that:</p> <p><i>“In accordance with CNSC REGDOC-3.2.2, CNL...will ensure that any adverse impacts from the activity are avoided, mitigated, or addressed through offset measures. As stated above in Section</i></p>

#	Document	Section	Page	Comment
				<p><i>16.9, results of engagement for each environmental assessment project will be included in any applicable licence submissions as required”.</i></p> <p>It is unclear how CNL reached this statement. No engagement activities or plans are reflected in the licence renewal submissions. In addition, there has been no agreement signed between the Métis Nation of Ontario and CNL that outlines how CNL will ensure any adverse impact from the activity are avoided, mitigated or addressed. How can potential adverse impacts from the activity be avoided, mitigated or addressed if they have not been assessed in the first place?</p>