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Safety Commission

Commission canadienne de  
sûreté nucléaire

Public meeting

Réunion publique

November 25, 2021

Le 25 novembre 2021

Public Hearing Room  
14<sup>th</sup> floor  
280 Slater Street  
Ottawa, Ontario

Salle des audiences publiques  
14<sup>e</sup> étage  
280, rue Slater  
Ottawa (Ontario)

*via videoconference*

*par vidéoconférence*

**Commission Members present**

**Commissaires présents**

Ms. Rumina Velshi  
Dr. Sandor Demeter  
Dr. Stephen McKinnon  
Dr. Marcel Lacroix  
Dr. Timothy Berube  
Ms. Indra Maharaj  
Mr. Randall Kahgee

M<sup>me</sup> Rumina Velshi  
D<sup>r</sup> Sandor Demeter  
M. Stephen McKinnon  
M. Marcel Lacroix  
M. Timothy Berube  
M<sup>me</sup> Indra Maharaj  
M. Randall Kahgee

**Secretary:**

**Secrétaire:**

Mr. Marc Leblanc

M<sup>e</sup> Marc Leblanc

**Senior General Counsel:**

**Avocate-générale principale :**

Ms. Lisa Thiele

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by videoconference / par vidéoconférence

--- Upon commencing on Thursday, November 25, 2021  
at 10:00 a.m. / La réunion débute le jeudi  
25 novembre 2021 à 10 h 00

**\*Opening Remarks**

**THE PRESIDENT:** Good morning. And  
welcome to this virtual meeting of the Canadian  
Nuclear Safety Commission.

Mon nom est Rumina Velshi. Je suis la  
Présidente de la Commission canadienne de sûreté  
nucléaire.

I would like to begin by recognizing  
that our participants today are located in many  
different parts of the country. I will pause for a  
few seconds in silence so that each of us can  
acknowledge the Treaty and/or traditional territory  
for our locations. Please take this time to provide  
your gratitude and acknowledgment for the land.

Je vous souhaite la bienvenue and  
welcome to all those joining us via Zoom or webcast.

I would like to introduce the Members of the Commission that are with us today remotely: Dr. Sandor Demeter, Dr. Stephen McKinnon, Dr. Marcel Lacroix, Dr. Timothy Berube, Ms. Indra Maharaj, and Mr. Randall Kahgee. Ms. Lisa Thiele, Senior Counsel to the Commission, and Marc Leblanc, Commission Secretary, are also joining us remotely.

Marc, over to you for a few opening remarks.

**MR. LEBLANC:** Merci, Madame la Présidente. Bonjour, Mesdames et Messieurs. J'aimerais aborder certains aspects touchant le déroulement de la réunion.

For this Commission meeting, we have simultaneous interpretation. Please keep the pace of your speech relatively slow so that the interpreters are able to keep up.

To make the transcripts as complete and clear as possible, please identify yourself each time before you speak. The transcripts should be available on the CNSC website within one to two weeks.

I would also like to note that this

proceeding is being video webcasted live and that archives of these proceedings will be available on our website for a three-month period after the closure of the proceedings. As a courtesy to others, please mute yourself if you are not presenting or answering a question.

As usual, the President will be coordinating the questions. During the question period, if you wish to provide an answer or add a comment, please use the Raise Hand function.

The *Nuclear Safety and Control Act* authorizes the Commission to hold meetings for the conduct of its business. Please refer to the revised agenda published on November 18 for the list of items to be presented today. All the Commission Member Documents are listed on the agenda are available on the CNSC website.

In addition to the written documents reviewed by the Commission for this meeting, CNSC staff and other registered participants will have an opportunity to make verbal comments, and Commission Members will have the opportunity to ask questions on

the items before us.

Madame Velshi, Présidente et première dirigeante de la CCSN, va présider la réunion publique d'aujourd'hui.

President Velshi.

**THE PRESIDENT:** Thank you, Marc.

The first item on the agenda for today is the Status Report on Power Reactors, as outlined in CMD 21-M55. I note that we have representatives from the nuclear power industry and CNSC staff joining us for this item. They can identify themselves later, before speaking.

Mr. Burta, I will turn the floor over to you.

**\*CMD 21-M55**

**Oral presentation by CNSC staff**

**MR. BURTA:** Thank you. Good morning, Madam President, and Members of the commission. My name is John Burta. I am the Acting Director General of the Directorate of Power Regulation. With me today

are other technical managers and specialists available to respond to your questions.

The status report on power reactors, CMD 21-M55, was finalized on November the 17th. The following are updates reflecting changes since that date.

For Darlington, OPG Darlington confirmed an additional RegDoc311 reportable COVID-19 case. There have been no impacts to minimum shift complement or the safe operation of units.

For Pickering, unit 4 has returned to full power.

For Point Lepreau, the fueling machine was successfully removed from the reactor face and the concrete cooling fan motor maintenance has been completed.

This concludes the status report on power reactors. CNSC staff are available to answer any questions you might have.

**THE PRESIDENT:** Thank you. I will open the floor for questions from Commission Members, and we'll start with Ms. Maharaj.

**MEMBER MAHARAJ:** Madam Velshi, I'm just having a difficulty with my computer. Perhaps you could pass to one of my colleagues first.

**THE PRESIDENT:** Okay. Mr. Kahgee?

**MEMBER KAHGEE:** I have no questions at this time.

**THE PRESIDENT:** Thank you.

Dr. Lacroix?

**MEMBER LACROIX:** Yes. With respect to Bruce Unit 2, did you find the reason for the vibrations and the origin and also is it an unusual problem?

**MR. M. BURTON:** Maury Burton, Chief Regulatory Officer for Bruce Power, for the record.

The cause of the vibrations is actually we did have one of our governor valves fail closed on that unit. Now, the unit is designed such that it can operate in that configuration, so that's what we have been doing, and it wasn't a problem over the summer. This happened in late August.

But as the lake water cooled, the thermal cycle of the unit gets more efficient and more

steam flow comes through, and that caused the vibration. We have derated slightly while we look at some design modifications to address the vibration.

**MEMBER LACROIX:** When you mention this design modification, does it involve a major -- well, major design modification, or is it a simple problem?

**MR. M. BURTON:** Maury Burton for the record.

It's looking at some either additional dampening or support in the area to address the vibration. So it's currently going through our engineering change control process for analysis and design options. Once we get through that process, we will either proceed with the modification, if it's practicable; if not, we will continue to run in a derated state.

**MEMBER LACROIX:** This is not an unusual problem, in the sense that you can deal with it?

**MR. M. BURTON:** Maury Burton for the record.

As I mentioned the unit is designed to

operate in this configuration, so it is not an issue.

**MEMBER LACROIX:** Okay. Thank you very much.

**THE PRESIDENT:** Dr. Berube?

**MEMBER BERUBE:** All my questions have been answered. Thank you.

**THE PRESIDENT:** Dr. Demeter?

**MEMBER DEMETER:** Thanks. I have no further questions. I like the report as it is. Thank you.

**THE PRESIDENT:** Thank you. Dr. McKinnon?

**MEMBER McKINNON:** Perhaps a follow-up on Dr. Lacroix's questions. Why is the vibration issue only specific to Unit 2? It is a completely independent steam supply system, or is this something as a design issue could affect other units as well?

**MR. M. BURTON:** Maury Burton for the record.

In this case, it's strictly related to the fact that we have one of the governor valves failed closed on that unit. So instead of a normal

four-channel path to the high-pressure turbine, we only have three channels. And as steam flow, as I mentioned, increased with the cooling lake water temperatures, we did get a vibration issue in that unit.

In normal four-channel operation, we do not see that vibration, so we do not see that issue with the other units because they're in their regular configuration.

**MEMBER MCKINNON:** Okay. Thank you.

**THE PRESIDENT:** Ms. Maharaj, are you back fully functional?

**MEMBER MAHARAJ:** Yes, sorry. I just had to reboot my computer.

I had a question with respect to the COVID response, and perhaps, Mr. Burta, you can help us with this. I noticed that we report -- or that in the report all of the, you know, all the operators have indicated that there's no impact on minimum shift complement, and that's good. But I was wondering if there's any follow-up by staff as to whether or not the incident of positive cases is now decreasing with

the uptake in vaccinations and with double vaccinations now being much more common than they would have been at our last report?

**MR. BURTA:** John Burta for the record.

CNSC staff's oversight of the COVID situation is to ensure that there are adequate measures in place to protect the health and safety of workers. CNSC staff have conducted oversight activities of the measures in place and we're satisfied that reasonable measures are in place.

If there are a significant number of cases, of course minimum shift complement will be a concern, but to date we've seen no impact on minimum shift complement with respect to COVID.

As far as cases at individual licensees and what impact may have been seen, I think it would be best for the licensees to comment on the sort of increase or decrease in number of COVID cases as a result of vaccination.

**THE PRESIDENT:** Maybe we'll go to each of the licensees to answer that. But I would also like to hear from each of the licensees, as I turn the

mic to you, if you can share with us what policy you have taken around vaccination requirements. We had met with one of the licensees about a power plant licensee yesterday, that have made vaccinations mandatory for all their facilities. So we'd also like to also get an update on that.

So let's start with OPG, and I see we have Mr. Bevacqua to give us an update.

**MR. BEVACQUA:** Thanks, Madam Chair, it's Val Bevacqua, for the record, from the Pickering site and OPG.

We have a vaccine program in place where we have asked our employees to disclose whether they are vaccinated, non-vaccinated, or choose not to disclose. For individuals who choose not to disclose or are not vaccinated, we have a twice-a-week testing regime that is in place that the employees need to participate in in order to gain access to our protected area of our nuclear power plants.

**THE PRESIDENT:** Thank you. And to Ms. Maharaj's question around the trends in COVID cases and its impact on your operations, besides the minimum

shift complement, can you give us some insight into that.

**MR. BEVACQUA:** Yeah, we have seen a decline in COVID cases, very much in line with the decline in COVID cases in our local communities around our plants. We are not having -- we have had no effect on minimum complement, and we are not seeing any adverse effect to the operation or administration of our plants at this time.

**THE PRESIDENT:** Thank you. To Bruce Power, Mr. Burton?

**MR. M. BURTON:** Maury Burton for the record.

I will answer the first question from the Commissioner first.

As far as COVID cases, we are seeing a drop. Since the beginning of the COVID pandemic, we've really seen the cases trend very much with what our provincial rate has been. So as we see the peaks go up and down, we have essentially followed that trend. We haven't seen major impacts to the operation at all.

Some minor ones when we do get a case noted on site, work will stop in that area for a deep clean while we -- and possibly some testing depending on close contacts.

As far as the policy, we did have -- we do have a policy in place and all people were to disclose their vaccination status by, actually, Monday of this week, although we have extended that, based on some discussions with the unions, to next Monday.

Currently we have 88 -- these are numbers from Tuesday -- 88 percent of our staff have disclosed and we have -- 88 percent are fully vaccinated as well.

So what happens if people do not disclose or are unvaccinated? It's very similar to OPG. We do have a program in place where people will be required to test twice a week. We are also offering that program to fully vaccinated people, that if they do want to volunteer to participate and test twice a week. We have actually over 4,000 people that are part of that already. So it's just a backup to

add extra protection. As we all know, vaccinated people can be carriers, more than likely not to show major symptoms, though.

**THE PRESIDENT:** Thank you very much, Mr. Burton.

And to New Brunswick Power. Mr. Nouwens?

**MR. REICKER:** Thank you, President Velshi. Nick Reicker, Regulatory Affairs Manager for Point Lepreau.

So to start with the first question, I would look at it we've been very fortunate to see low number of cases since the onset of the pandemic, with our third case just occurring around November 7th, and really shows that the protocols that we have have mitigated the transmission, if we did have a positive case on site, to transmission to other employees.

From protocols that have been implemented, in line with the public or provincial government, on November 19th all unvaccinated employees were placed on leave effective that date, so it aligned with us as well as all other Part 1, 2, 3,

4 provincial government entities and Crown corporations. So we're currently abiding by that mandate that was set out and ensuring that any impacts on operational and business planning are mitigated throughout.

**THE PRESIDENT:** And Mr. Reicker, can you just share with us what percentage of employees fit in that category and if it has had any implications on your operations?

**MR. REICKER:** Nick Reicker, for the record.

So really low number of employees were impacted through our operation. We're looking at about the one percent of our employees that were overall affected by that mandate.

**THE PRESIDENT:** And I guess what you're saying is it didn't really impact your operations.

**MR. REICKER:** That's correct. There was no impact on minimum shift complement or any of the other crews. What we did see was pretty spread out, so a pretty minor balance that affected us

organizationally.

**THE PRESIDENT:** Thank you. Thank you for the update and for the participation by the licensees in this.

We'll move to our next agenda item, which is on the Regulatory Oversight Report for Canadian Nuclear Laboratories CNL sites for 2020 as outlined in Commission Member Document CMDs 21-M32, 32.A and M-32.B.

The public was invited to comment in writing. The Commission received eight submissions. Four Indigenous Nations or communities will be making oral presentations.

I note that representatives from Atomic Energy of Canada Limited and Environment and Climate Change Canada are available for questions.

Before making the presentations, I will invite Ms. Priscilla Simard, Treaty Number 3 Elder and knowledge-keeper, to provide an opening prayer.

Elder Simard, over to you.

**MR. LEBLANC:** Madame la Présidente, I

don't notice Ms. Simard has joined us yet. It was initially scheduled to be at 10:30, so we will suggest that they make opening statements perhaps later today when they join us.

**THE PRESIDENT:** Thank you. We'll postpone it until then.

So let's turn the floor to CNSC Staff for their presentation. And Ms. Cianci, the floor is yours.

**\*CMD 21-M32/21-M32.A**

**Oral presentation by CNSC staff**

**MS. CIANCI:** Thank you, President Velshi. I'll just wait until I see the slide deck go up.

**THE PRESIDENT:** You're good to go.

**MS. CIANCI:** Good morning, President Velshi and Members of the Commission. My name is Candida Cianci, and I am the Director of the Canadian Nuclear Laboratories Regulatory Program Division at the CNSC.

CNSC Staff are here today to present to you CMD 21-M32, a Regulatory Oversight Report, or ROR, covering staff activities at sites managed by Canadian Nuclear Laboratories, or CNL, for the 2020 calendar year.

Presenting with me today are Ms. Jennifer Sample and Mr. Aidan Leach. We are supported today virtually by a team of subject matter experts and other project officers who are involved in the regulatory oversight.

**THE PRESIDENT:** Have we lost Ms. Cianci?

**MR. LEBLANC:** Ms. Cianci has a backup. Perhaps the backup can start and she can join in progress?

**MS. MURTHY:** Kavita Murthy, for the record.

I believe Jennifer Sample is the backup. Jennifer, you can go ahead.

**MS. SAMPLE:** President Velshi, Members of the Commission, my name is Jennifer Sample and I am a Senior Project Officer at the Canadian Nuclear

Safety Commission, and I will proceed with Slide 2 that Candida was on.

Before we begin, I wish to outline that this slide outlines the updates that staff are proposing to be made to CMD 21-M32 prior to its publication.

The first update is on the change in rating for Whiteshell Laboratories for the security safety and control area, or SCA. A detailed update is provided in CMD 21-M32-B and will be discussed later in this presentation.

The second update is regarding corrections to the ROR dashboard in Appendix B. These include updates to SCA ratings, the key SCAs of focus of the ROR, regulatory dose limits and acronyms. All of the noted corrections will be reflected in the final published versions of the ROR and dashboard.

We will start with an overview of the ROR, followed by a brief description of the CNL sites. Following this, we will walk through highlights of staff's risk-informed regulatory oversight activities associated with CNL in 2020.

Next, we will provide information on Indigenous consultation and engagement. This will be followed by some updates on other matters of regulatory interest and the COVID-19 response. Finally, we will highlight some of the major themes identified in the interventions and provide some concluding remarks.

I will begin with an overview of Regulatory Oversight Reporting.

Staff submit RORs to the Commission for information, providing the Commission with an overview of regulatory efforts in assessing licensee performance over a calendar year. The CNL ROR is one of five RORs that staff have produced.

RORs are presented to the Commission in public proceedings. Participant funding is made available to facilitate participation by the public and Indigenous communities in the Commission meeting. The CNL ROR and dashboard was made available in both official languages on the CNSC website on August 27th, 2021.

The CNL ROR provides a summary of

staff's regulatory efforts related to CNL's activities. Additionally, in the report we rate CNL's performance against each of the 14 SCAs and provide detailed data on the radiation doses to workers and the public, CNL's conventional health and safety performance, and the releases of radioactive substances to the environment as a result of the licensed activities.

We also provide updates on Indigenous consultation and engagement, reportable events and other matters of regulatory interest such as public engagement and the response to the COVID-19 pandemic.

As a result of recommendations from the Commission, feedback from intervenors, commitments made by staff as well as continuous improvement from previous years' RORs, a number of changes were made to the CNL ROR in 2020.

These included acknowledgment of Indigenous communities at the beginning of the ROR, inclusion of a plain language summary, additional information on all SCAs, change in SCA rating system, an update on nuclear liability, greater use of

hyperlinks, additional data context, and creation of an ROR dashboard.

As an agent of the Government of Canada and as Canada's nuclear regulator, the CNSC understands the importance of consulting and building relationships with Indigenous peoples in Canada and would like to acknowledge the Indigenous communities whose traditional and/or Treaty territories are in proximity to the sites covered in this ROR and the organizations that represent them.

In 2020, staff continued to work to meet the CNSC's duty to consult obligations with regards to CNL's proposed projects undergoing environmental assessments and licence amendments or renewals. Staff also continued to identify opportunities for formalized and regular engagement throughout the life cycle of CNL sites.

Staff ensured that interested Indigenous communities were informed of this ROR, this Commission meeting, and the participant funding opportunities. Additionally, staff held a virtual engagement session for Indigenous communities near CNL

sites for this ROR. Details on this engagement session will be provided later in the presentation.

Staff are committed to building long-term relationships with Indigenous communities who have an interest in CNSC regulated facilities within their traditional and/or Treaty territories.

I will begin by speaking briefly on the CNL sites and licences included in this ROR.

If I could get the slide with the map, please?

This picture shows the geographic locations of the CNL sites covered in this ROR. Going from east to west, they include, in Québec, Gentilly-1 in Bécancour, in Ontario, the Port Hope project in the Municipality of Port Hope, the Point Granby in the Municipality of Clarington, Chalk River Laboratories in Chalk River, Nuclear Power Demonstration waste facility in Rolphton, and Douglas Point waste facility in Tiverton. Finally in Manitoba, the Whiteshell Laboratories in Pinawa.

Licences held by CNL for the sites covered by this ROR are shown in this table. The

licence numbers are shown in the last column of the table, with the expiry date indicated as the last four digits of the licence number. Staff note that the only licensing change in 2020 was the issuance of a new licence and *Licence Conditions Handbook* in January 2020 for Whiteshell Laboratories following the Commission hearing held in October 2019.

I will now describe staff's regulatory oversight of CNL sites in 2020 in more detail.

Chalk River Laboratories is a large and active nuclear research and test establishment located about 160 kilometres northwest of Ottawa. Chalk River Laboratories continues to undergo a period of change and revitalization, with the decommissioning of aging infrastructure and construction of replacement facilities throughout the site.

In 2020, staff's regulatory oversight focused on CNL's decommissioning of legacy facilities and management of waste and its planning and constructing of new facilities. Staff also performed oversight of CNL's activities to repatriate highly enriched uranium to the United States Department of

Energy, activities which now have been fully completed.

Staff would like to note a recent inspector order issued at Chalk River Laboratories with respect to its physical security program. An opportunity to be heard was held by the Designated Officer on November 2nd, 2021, and the associated Designated Officer decision was made on November 12, 2021.

Whiteshell Laboratories is a shut down nuclear research and test facility located near Pinawa, Manitoba. CNL has been decommissioning the Whiteshell Laboratories site as permitted by the licence.

As CNL continued its decommissioning work at the Whiteshell site in 2020, staff's compliance efforts focused on those activities. In 2020, staff's regulatory oversight focused on assessing the impacts of accelerated decommissioning, evaluating CNL's management of waste and decommissioning work, reviewing detailed decommissioning plans, reviewing submissions related

to facility modifications, and assessing implementation of CNL's tiered response force.

Following an inspection at Whiteshell Laboratories in September 2021, staff reassessed the performance of the security program at Whiteshell Laboratories and changed the rating for the security SCA to below expectations. This change is the result of additional information made available to staff during the recent inspection.

The purpose of this inspection was to verify the implementation of CNL's tiered response force as required by the Whiteshell Laboratories licence. The tiered response force was required to be in place by May 1st, 2020; however, during the inspection deficiencies with its implementation were identified.

Staff have determined that there is no immediate risk to the security of nuclear substances at Whiteshell Laboratories and discussions are ongoing with CNL on the corrective actions that will be taken. Additional information has been provided to the Commission in the supplemental CMD 21-M32.B.

The Port Hope Area Initiative is a project to clean up legacy contamination in the municipalities of Port Hope and Clarington, Ontario. It is composed of two separate but related projects: the Port Hope Project and the Port Granby Project. Both involve the excavation of historic low-level waste and the placement of that waste in newly built long-term waste management facilities.

In addition to a long-term waste management facility, each site has its own facility for the management and treatment of leachates and impacted water.

The Port Hope Project is unique in Canada in that it involves the remediation of large quantities of radioactive wastes from residential and commercial areas. In 2020, staff carried out on-site inspections at the Port Hope Project, including an inspection of a liner in one of the waste storage cells in the long-term waste management facility.

In 2020, due to the dynamic nature of work at the Port Granby Project, staff carried out several on-site inspections. These inspections

focused on the SCAs of environmental protection and physical design and included ensuring that cleanup criteria were met for remediation activities, ensuring that the construction and installation of the long-term waste management facility cover met design criteria, and ensuring that the design of the slope and ground structure at the waste management area met engineering standards.

Staff will continue their regulatory oversight of the Port Hope Area Initiative for the foreseeable future to ensure the protection of the public and the environment.

The Douglas Point, Gentilly-1 and Nuclear Power Demonstration reactors are all former prototype power reactors which have been in storage with surveillance for several years. In 2020, staff performed regular oversight on CNL's work to identify and remove hazards from these facilities and to characterize wastes in preparation for the execution of decommissioning.

In 2019, CNL requested an amendment to the Douglas Point licence to allow the dismantlement

of that reactor. The licence amendment request was presented to the Commission at a public hearing on November 25th and 26th, 2020, and was granted by the Commission in March 2021. The amended licence is valid until December 31, 2030.

I will now provide details on staff's regulatory effort for each CNL site in 2020.

Staff's regulatory oversight activities include inspections, desktop reviews and technical assessments of reports and submitted documents. Staff efforts spent on compliance and licensing work for CNL sites is shown in this table.

In 2020, staff spent over 13,000 hours on compliance activities and over 22,000 hours on licensing activities. The table also identifies the trends in regulatory oversight activities since 2019. An up arrow indicates an increasing trend and a down arrow indicates a decreasing trend.

In 2020, an increasing trend in total effort was the result of additional licensing work due to an increased focus on the review of updated and new CNL programmatic documents, assessing the amendments

for Douglas point, and updating the Chalk River Laboratory's *Licence Conditions Handbook*.

A decreasing trend in total effort was the result of reduced licensing work with respect to Whiteshell Laboratories having completed the licence renewal in late 2019. Additionally, while remote compliance verification activities were leveraged to the extent possible, there was a reduction in compliance effort directly attributed to the lower number of on-site compliance activities as a result of the COVID-19 pandemic. Although regulatory focus shifted in 2020 according to the work being performed, the overall regulatory effort for all sites remained consistent with previous years.

The inspections carried out by staff in 2020 are shown in this table. In total, 15 compliance verification inspections were performed across all CNL sites, resulting in the issuance of 30 non-compliances.

Of the 15 inspections performed, nine were performed on site, while the remaining inspections were conducted either completely or

partially by remote means. Use of remote inspections allowed for the resumption of critical regulatory oversight work while ensuring the health and safety of both CNSC and licensee staff.

During remote inspections, compliance was assessed through the review of documents and photographs and through participation in online interviews and meetings. On-site inspections were still conducted on a case-by-case basis when a physical presence was deemed essential to assess compliance. At sites where no inspections occurred during 2020, such as Whiteshell Laboratories or Gentilly-1, compliance was through other means, such as desktop reviews and technical assessments.

All identified non-compliances were considered low risk and did not have an impact on health, safety and security at CNL sites. An example of one of these low-risk non-compliances would include CNL ensuring quorum is reached for management review meetings. For tracking purposes, all non-compliances were recorded in the CNSC's regulatory information bank.

This completes the overview of staff's activities at the different CNL sites. I will now pass the presentation to my colleague, Aidan Leach.

**MR. LEACH:** Good morning, President Velshi and Members of the Commission. My name is Aidan Leach, and I'm a senior nuclear facilities site inspector with the Canadian Nuclear Laboratories Regulatory Program Division.

I will now describe staff's assessment of CNL performance at each of the sites in 2020.

When evaluating licensee performance, staff use a set of 14 safety and control areas, or SCAs. Ratings for each SCA are generated for each licence every year on the basis of staff's regulatory oversight activities. The 14 SCAs are listed in the blocks at the right of the slide.

Staff rate performance based on multiple inputs, including key performance indicators such as dose to workers and releases to the environment, the results of compliance activities, for example inspections or technical assessments, and the effectiveness of licensee corrective actions in

response to non-compliances.

Ratings represent a holistic summary of licensee performance for each SCA. The ROR focuses on three SCAs, namely, radiation protection, conventional health and safety, and environmental protection, as these are key indicators of the effectiveness of the licensee's management of the risk at its sites. However, staff assess and rate licensee performance for all SCAs.

For 2020, staff have rated CNL's performance across all SCAs and sites as satisfactory, with the exception of the security SCA rating for Whiteshell Laboratories. This is consistent with the ratings given in prior years. Ratings for the previous four years are also included in the ROR itself.

I will now provide information on the SCAs of radiation protection, environmental protection, and conventional health and safety, in more detail.

CNL sites are required to complement and maintain a radiation protection program to ensure

that contamination levels and radiation doses received by individuals are monitored, controlled, and maintained as low as reasonably achievable. Radiation protection programs at all CNL sites incorporate a set of action levels. These action levels serve as an early warning indicator of a potential loss of control in the radiation protection program. CNL reported no radiation protection action level exceedances in 2020.

Staff conclude that CNL's radiation protection programs were effective at controlling radiological hazards in 2020. The dose received by workers at CNL sites, and the estimated doses to public at CNL sites were well below regulatory limits, as shown in the following slide.

Estimated doses to the public are calculated based on data for emissions of radionuclides from each site. The annual dose limit for a member of the public is 1 mSv. As shown on the slide, the maximum estimated annual dose to the public from any CNL site in 2020 was 0.033 mSv at the Port Hope project. It can be seen from this graphic, the estimated doses to the public have remained a small

fraction of the regulatory limit.

The annual regulatory limit for nuclear energy workers is 50 mSv. As shown on the slide, the maximum effective dose received to a nuclear energy worker from any CNL site in 2020 was 7.97 mSv at Chalk River Laboratories. It can be seen from this graphic that the maximum doses received by nuclear energy workers across all sites is well below the annual regulatory dose limit.

I will now move on to the conventional health and safety SCA.

As part of their licence, CNL is required to develop, implement, and maintain effective safety programs to promote safe and healthy workplaces and minimize incidences of occupational injuries and illnesses. At most CNL sites, conventional industrial activities are the greatest risk to persons due to site revitalization and decommissioning activities at Chalk River Laboratories, decommissioning work at Whiteshell Laboratories, and extensive environmental remediation work at the Port Hope Area Initiatives.

This slide shows that a total of five

reportable lost time injuries were reported at CNL sites in 2020 for CNL staff, an increase of two from 2019. In 2020, recordable lost time injuries were reported at Chalk River Laboratories and Whiteshell Laboratories. There were no reportable lost time injuries reported at the Port Hope Project, Port Granby Project, Douglas Point, Gentilly, or Nuclear Power Demonstration.

This reports frequency and severity rates of these injuries in relation to the person hours worked.

CNL also records the number of lost time incidents recorded by CNL -- to CNL by their contractors. There were no lost time injuries reported for contractors at any CNL site in 2020, a decrease of two from 2019. I will now move on to the environmental protection SCA.

CNL sites are required to implement and maintain an environmental protection program to ensure that releases of radioactive and hazardous substances are monitored and controlled in order to minimize the effects on people and the environment.

Environmental protection programs at all CNL sites incorporate a set of action levels. These action levels serve as an early warning indicator of a potential loss of control in the environmental protection program.

In 2020, there were no action level exceedances, and all releases were well below regulatory limits at all CNL sites. Staff conclude that CNL's environmental protection programs were effective at controlling airborne and waterborne releases of radioactive and hazardous substances in 2020. All releases at all CNL sites were well below regulatory limits in 2020.

Examples of release data for Chalk River Laboratories and Whiteshell Laboratories are shown on the following slides.

The graph on this slide are examples of emissions from the Chalk River Laboratory site for radionuclides listed in the Chalk River Laboratories Licence Conditions Handbook in comparison with the respective release limits. Please note that these graphs are on a logarithmic scale, which allows the

data to be displayed in a compact way. As a result, although the differences between the releases and release limits appear close, the release limits are in fact hundreds or thousands of times larger than the releases.

Another example of radionuclide emissions from a CNL site is shown on this slide for Whiteshell Laboratories. These graphs are also on a logarithmic scale. As can be seen by the environmental release data shown on the last two slides, releases were well under the release limits for Chalk River Laboratories and Whiteshell Laboratories. In fact, at all CNL sites, airborne and waterborne releases of radioactive and hazardous substances remained below their respective regulatory limits in 2020.

In addition to analysing licensee environmental data, staff also carry out an independent program of sampling and analysis in publicly accessible areas around nuclear facilities as part of CNSC's independent environmental monitoring program, or IEMP. Staff collect the samples and send

them to the CNSC's laboratory for testing and analysis. The results are posted on the CNSC's public website.

The IEMP sampling plan is cyclic in nature and sites are typically sampled every two to five years. As a result, in 2020 staff did not conduct any sampling near CNL sites under the independent environmental monitoring program, since sampling those locations was not scheduled. However, sampling occurred near all CNL sites between 2017 and 2019. The results from these activities confirm that the environment near these sites was safe.

I will now move on to event reporting at CNL sites.

CNL is required to report to the CNSC various events involving its licence activities. Regulatory document 3.1.2, Reporting Requirements Volume I, came into force for applicable CNL sites in January 2019. Over the period covered by this report, CNL has complied with the requirements for the submission of event reports. The number of events reported to the CNSC for CNL sites in 2020 are shown

on the table in this slide.

When CNL reports an event to the CNSC, staff assess the report by analysing corrective actions and next steps. Staff have determined that none of the events presented a significant hazard to the public or environment and have assessed CNL's corrective actions in response to these events and found them to be appropriate. Staff conclude that CNL met event reporting requirements in 2020.

In addition to the compliance work led by staff, under the safeguards agreement that Canada has with the International Atomic Energy Agency, or IAEA, the IAEA has the right and responsibility to verify that Canada's nuclear activities are exclusively peaceful in nature. Much of the work involves the IAEA verifying that the inventories of nuclear material at Canadian sites are correct and complete.

As part of that work, the IAEA carried out 65 inspections at sites licensed to CNL in 2020. For some of those activities, the IAEA was accompanied by CNSC staff which provides a valuable opportunity

for staff to evaluate licensee compliance with their safeguards agreements. Neither the IAEA nor CNSC staff identified any significant issues as a result of these activities.

A significant issue is one that will impact the safe safeguards' conclusion that all nuclear material is in peaceful use at the facility. Non-significant issues are those that may impact certain verification activities, but for which an alternative means to achieve the safeguards conclusion is possible. For instance, inability to access a specific inventory due to the unavailability or failure of the operator's lifting equipment would result in non-significant issues that would require follow-up activities.

I will now pass the presentation back to Ms. Cianci.

**MS. CIANCI:** Thank you, Mr. Leach, and apologies to the Commission and my team. I did lose power earlier, and thank you, Ms. Sample, for taking over for me.

For the record, my name is Candida

Cianci.

The following section includes information on the virtual engagement session held by CNSC staff for this ROR with Indigenous communities and Nations.

On September 9, staff held an engagement session on the CNL ROR with Indigenous communities and Nations in proximity to CNL sites. The purpose of the engagement session was to share and have a discussion with interested Indigenous communities on the CNL sites covered by the 2020 CNL ROR, the ROR findings, the pilot ROR dashboard, and how to participate in Commission proceedings. The session also provided participants with the opportunity to raise questions and concerns to the CNSC through discussion.

There were 20 participants in attendance at the engagement session, representing at least 11 Indigenous Nations, communities, or organizations. Participants were surveyed using polling questions to gain some valuable feedback and insight on the session. At the outset of the session,

approximately one-quarter of the participants that responded indicated that they had a poor understanding of the CNL's ROR.

After the session, all participants that responded indicated that the session helped, or somewhat helped them, better understand the CNL ROR and how to get involved. Approximately three-quarters of the participants that responded indicated that the presentation that staff delivered had the right level of detail, and the same number indicated that they were satisfied with the responses provided by CNSC staff during the question-and-answer portion.

In order to maximize engagement opportunities, this session was recorded and shared with invitees to more broadly distribute within their Indigenous communities. As of November 22nd, the session has been viewed 16 times since the initial engagement session.

Overall, the session was successful in meeting its objectives and staff are committed to holding similar sessions in the future.

To supplement engagement activities, a

pilot version of an ROR dashboard was developed. Some of the main aspects of the dashboard are that it contains key information and data, it presents information in a publicly digestible manner, and it was included and complements the CNL ROR.

Regarding the dashboard's utility, all of the participants at the September 9th engagement session that responded indicated that the dashboard was helpful or somewhat helpful at providing an overview of key information included in the CNL ROR. It was noted during open discussions that participants thought further context would be helpful in some cases. For example, more information was requested regarding reportable events.

It was also suggested that other types of information could be added, for example, upcoming regulatory events and opportunities to engage with the CNSC. By further aligning the dashboard with audience needs, staff can maximize the usefulness of future dashboards.

Overall, the dashboard was seen as a valuable tool that could be used in the future to

provide consistent and meaningful information to the public and Indigenous communities.

The following section includes information on other matters of regulatory interest at CNL sites in 2020.

The CNSC recognizes the importance of providing objective, scientific, technical and regulatory information to the public. To support this objective, staff routinely engage with the public by participating in relevant community events, hosting dedicated sessions such as webinars, as well as participating in licensee events such as the Environmental Stewardship Council meetings.

Staff carried out several engagement activities in 2020 which were targeted at or relevant to CNL sites. Some of these activities focused on specific regulatory review processes, including the Douglas Point licence amendment, the proposed near surface disposal facility, and the proposed Nuclear Power Demonstration *in situ* decommissioning project. Furthermore, information is shared via the CNSC website, social media channels, annual regulatory

reports and dashboards.

In response to public feedback, the CNL ROR was also made available for public review for 60 days this year, which is a longer period provided in comparison to previous years.

CNSC's participant funding program supports individual not-for-profit organization and Indigenous community participation in the CNSC's regulatory review processes. The program helps interested parties contribute value-added information for the Commission's consideration. For the 2020 CNL ROR, the CNSC awarded approximately \$100,000 of participant funding to eight applicants.

I will now provide some details about the current COVID-19 pandemic and both the CNSC and CNL's responses.

In March 2020, the CNSC activated its business continuity plan in response to the COVID-19 pandemic. This included a temporary suspension of travel to licensee sites, a switch to remote work where possible, and the development and implementation of pandemic protocols.

In order for staff to continue to deliver on the CNSC's mandate while also adhering to public health guidance, staff have carried out inspections using a combination of remote and on-site methods, they have conducted desktop reviews of licensee reports and submissions and conducted engagement with Indigenous communities and the public remotely.

By modifying compliance and engagement approaches, staff were able to safely resume regulatory activities. This included remote options where appropriate and on-site presence where necessary to ensure continued and effective oversight.

Through the use of the various regulatory tools available, staff maintained a level of regulatory effort consistent with prior years and ensured that health, safety and security at CNL sites was not compromised as a result of the COVID-19 pandemic. Additionally, the CNSC held all Commission hearings and meetings virtually.

Finally, we will discuss CNL's response to the COVID-19 pandemic. In March 2020, CNL

implemented its business continuity plan and reduced its workforce at its sites across Canada. For non-critical work, CNL requested regulatory flexibility from the CNSC. For example, a request was made to postpone some inspection dates and due date extensions were requested for some report submissions.

CNL also implemented various safety precautions, including remote work where possible, mandatory personal protective equipment and daily screening for on-site workers and mental health supports for all staff.

Additionally, CNL's crisis management team developed a five-phase pandemic recovery plan for a controlled return to full site operations. All CNL sites are currently in Phase 4, with the exception of Douglas Point.

The primary management control in Phase 4 is the number of CNL employees working on site. As specific entry criteria in the plan are reached, CNL sites move through successive phases, enabling on-site employee numbers to increase. Both the implementation of the CNSC's and CNL's business

continuity plans have enabled safety and security of all sites to be maintained at all times.

The following slides present an overview of the key themes from the interventions received regarding the ROR.

Staff received eight interventions on the CNL ROR. There were two key themes noted in the interventions.

The first theme is Indigenous consultation and engagement. Most of the interventions are from Indigenous communities, and many have requested increased consultation and engagement from both CNL and the CNSC.

The second theme is related to ROR content and scope. Some of the intervenors recommended that additional information be provided in all CNSC RORs. Additionally, feedback was provided specifically on the content and scope of the CNL ROR.

I will now speak to staff's responses to the key themes.

Several interventions requested that the CNSC share more information with Indigenous

communities and that the CNSC provide additional opportunities for Indigenous communities to participate in CNSC processes. Additionally, acknowledgment was requested of the distinction between information needs of Indigenous communities and the general public.

The CNSC, as an agent of the Crown, has a duty to consult with Indigenous communities. Staff are committed to building long-term positive relationships with Indigenous communities. We understand that such relationships must be built on mutual trust, which can take time to develop.

Staff are working closely with Indigenous communities when planning IEMP activities in areas of interest to them, and staff are also evaluating other areas where Indigenous communities can be involved in CNSC processes.

Staff acknowledge that information on Indigenous consultation and engagement should be in its own section of the ROR and not in the "Other matters of regulatory interest" section. CNSC Staff have reflected this in today's presentation and are in

the process of making this change in future CMDs, including RORs.

Staff have carefully noted the content of interventions received from Indigenous communities and will follow up with each community separately to further discuss their concerns.

Intervenors commented on the format of the 2020 CNL ROR and its variance from the 2019 report and included recommendations for information to be included in future RORs, such as further information on Notices of Non-compliances from inspections, additional detail on releases to the environment and public doses, explanation of the effectiveness of remote inspections compared to on-site inspections, and assessment of effects of climate change on site activities.

As the Commission is aware, the scope and content of future RORs for all RORs will be discussed at a Commission meeting in January 2022.

Finally, many of the comments and recommendations made by some intervenors have been raised in past years and provided responses by staff.

Since similar comments have again been submitted, CNSC Staff are committed to following up with these intervenors to better understand their comments and discuss the path forward on future RORs following the Commission meeting in January 2022.

I will now provide some concluding remarks.

Staff carried out extensive regulatory oversight of CNL in 2020 and conclude that CNL carried out its licensed activities safely and in compliance with relevant requirements. Radiation doses to workers and members of the public resulting from CNL's licensed activities remain low. CNL's performance in conventional health and safety remain satisfactory and environmental releases remain below regulatory limits.

This concludes staff's presentation. We are available to respond to questions from the Commission.

Thank you.

**THE PRESIDENT:** Thank you, CNSC Staff, for the presentation.

I understand that Elder Simard is now

here. Elder Simard, are you ready to share a prayer with us now, or would you rather do that prior to the intervention for Grand Council Treaty 3?

**ELDER SIMARD:** Can you hear me?

**THE PRESIDENT:** Yes, we can.

**ELDER SIMARD:** Okay. I can do that now. Just give me a minute to light the smudge.

**THE PRESIDENT:** Thank you.

--- Pause

**THE PRESIDENT:** Elder Simard, before you start, maybe I can ask all participants to stand up in prayer and then we'll turn the mic over to you, and you are on mute.

**ELDER SIMARD:** Okay. I've lit the smudge, one of the sacred gifts that we, the Anishinaabe people, have been given. It is one of the sacred gifts which includes tobacco, smudge, sweetgrass, and especially up north here, it is cedar. --- Prayer / Prière

What I have said is, we have put a tobacco offer out so we can have a good meeting with each other. Thank you, Great Spirit. Thank you,

great spirit of Mide. Thank you, great spirit of Mother Earth. Thank you to the grandfathers for your help. Thank you spirits of yesterday, today, and tomorrow. Thank you to the grandmothers. Thank you to the spirits of the north, the south, the east and the west. Please help us to live a good life. Thank you for today, Manitou. Thank you for giving us life. We are grateful for the air we breathe.

Today is an important day for Anishinaabe and the Nuclear Commission. It is about inclusion of Indigenous people into the conversation and the decision-making. It is about inclusion, about the Indigenous and Treaty rights that are so prominent in our area, especially in particular our laws, our Manito Aki Inakonigaawin law.

Our water declaration are so important to be included within the nuclear discussions. It is important that ceremony continue and that the government recognize that in the spirit of reconciliation that ceremony become part and parcel of everything.

We ask that the Creator open our ears,

open our hearts, open our minds to hear different points of view. Chi miigwech. Chi miigwech. (Ojibwe spoken)

Thank you very much for allowing us this time. Miigwech.

**THE PRESIDENT:** Miigwech. Thank you very much, Elder Simard. This has inspired us all to ensure that we have a respectful and productive proceeding. Thank you.

We will now turn the floor to CNL for their presentation on the Port Hope Area Initiative, as outlined in CMD 21-M32.1. I'll turn the floor to Mr. Boyle.

**\*CMD 21-M32.1**

**Oral presentation by the  
Canadian Nuclear Laboratories**

**MR. BOYLE:** Thank you, President Velshi and Members of the Commission, and good morning, ladies and gentlemen. For the record, my name is Phil Boyle and I am Vice President Central

Technical Authority and the Chief Nuclear Officer at Canadian Nuclear Laboratories.

Joining me today from CNL are Shaun Cotnam, the Chief Regulatory Officer; Mark Hughey, General Manager of CNL's historic waste management program; John Gilbert, Head of the Whiteshell Closure Project; and Kristan Schruder, General Manager and Deputy Vice President of Environmental Remediation Management.

I also have a number of colleagues and subject matter experts here with me today to answer any questions you may have.

Before we begin, I would like to acknowledge Canada's Indigenous Peoples and their traditional territories upon which CNL carries out its work. I also want to confirm CNL's commitment to being an active participant in Canada's journey towards healing and reconciliation.

We are before the Commission today to discuss our performance for the 2020 calendar year at the sites we operate across Canada. I will make a few remarks to begin and then I will invite Mr. Hughey to

provide you with a more detailed update on historic waste management program. Afterwards we will be happy to answer any question that Members of the Commission may have.

First and most importantly, I want to assure the Commission that CNL continues to carry out its work with an unwavering commitment to safe operations under the oversight of the CNSC and other regulators. Safety remains our top priority. We have operated safely and securely during the 2020 calendar year. We are constantly working to maintain our focus on safety. And we are making improvements to enhance safety and security. We continue also to meet our regulatory obligations.

In looking more closely at our performance in 2020, I think we must begin by first acknowledging the significant role that the COVID-19 pandemic played in the delivery of our program of work. With the emergence and spread of the COVID-19 virus at the beginning of 2020, CNL took measures to protect the health and well-being of our employees, contractors, and visitors.

In addition to the activation of our pandemic planning committee and reduced onsite operations throughout the year, these measures included mandatory face masks, physical distancing requirements, capacity limits in meeting rooms, enhanced sanitation standards, workplace checklists, carpool restrictions, one-way pedestrian traffic requirements, just to name a few.

CNL also adopted and continues to maintain a mandatory COVID-19 hazards screening for all personnel seeking access to our site. Recently, we have enhanced the screening with a strict new policy that requires employees to either show proof of vaccination or submit to periodic COVID-19 testing.

The required date for identifying the status of vaccination is December 1st. As of now we have approximately 76 percent of our employees having identified that they are vaccinated.

Overall, the number of positive cases at our sites have been limited to 38 people. I am pleased to say that all of these employees have recovered, except for one who has only recently tested

positive and is in the recovery phase.

While we are pleased that the safety of our staff has been maintained, I think it is important to be clear that this was a very difficult experience for CNL, as it was for all operations across Canada and the world. Responding to the pandemic required a lot of attention and resources and had a significant impact on what we accomplished in 2020.

During this challenge, however, I am pleased to report that CNL did realize meaningful progress across all our missions in 2020, restoring and protecting the environment, developing clean energy technologies for today and tomorrow, and improving the health of Canadians. CNL's environmental remediation team continued to make progress in 2020, safely decommissioning aging and redundant infrastructures, addressing legacy waste liabilities, and conducting environmental restoration activities at the Chalk River campus.

CNL also completed all shipments of highly enriched uranium target residue material from

Canada to the United States, bringing that repatriation project to a safe conclusion. And CNL have completed the excavation and transfer of historic low-level radioactive waste away from the Lake Ontario shoreline as part of the Port Granby Project.

In clean energy, we signed a project host agreement with Global First Power in support of their work to site a small modular reactor at the Chalk River Laboratories and continued to make progress with the three other applicants. And we launched a number of new research projects related to SMRs through our Canadian nuclear research initiative.

With respect to health sciences, CNL continued to pursue research related to actinium-225, a rare medical isotope that has shown great potential to enable a ground-breaking new cancer treatment known as targeted alpha therapy. And in response to the pandemic, CNL also helped to develop a low-cost ventilator, as part of an international consortium to treat patients most severely affected by COVID-19. This ventilator design has been authorized by Canada Health and thousands of units have been manufactured.

Finally, significant progress was made in the revitalization of the Chalk River Laboratories' campus, including the construction of new facilities and site infrastructure, decommissioning and environmental remediation activities, and delivery of long-term waste management solutions.

All of this work is being done to address Canada's legacy liabilities and position the Chalk River Laboratories for continued success. However, CNL understands we must meet the necessary regulatory and performance standards if we are going to fulfil the vision for this site.

In the review of our performance, we understand there are opportunities for improvements. I want to assure the Commission that any shortcomings aren't due to a lack of commitment or effort. Across all 14 safety and control areas, CNL employees work hard to not only meet, but exceed our regulatory requirements. That has always been our objective, and we will continue to make every effort in the future to make improvements in these key areas to fully protect our personnel, the public and the local environment.

I believe our record is good and demonstrates this commitment, but it can always be better.

With that said, I would like to invite Mr. Hughey to provide you with an update on the environmental remediation activities being delivered under CNL's historic waste management program.

Mark, are you available and ready to go?

**MR. HUGHEY:** Yes, I am.

**MR. LEBLANC:** Mr. Hughey, are you managing your slides or would you like us to do it for you?

**MR. HUGHEY:** I would appreciate if you would manage the slides, please.

**MR. LEBLANC:** Yes. Please tell us when to change slides. Thank you.

**MR. HUGHEY:** Thank you very much.

Mark Hughey, for the record. I am General Manager of the Port Hope Area Initiative and the historic waste program at Port Hope, and I am pleased to give you an update on the initiative.

Next slide, please.

I would like to take a moment to acknowledge that CNL's historic waste management program office and the Port Hope Area Initiative projects are situated on the traditional land of Indigenous peoples dating back countless generations. It remains the home of Anishinaabe people and, as part of the Williams Treaties Territory of the Mississaugas of the region. We are grateful to have the opportunity to work on all these lands in their traditionally and culturally significant waterways, and offer respect for the First Peoples of the area.

Next slide, please.

CNL is committed to recognizing Indigenous rights and interests. We continue to build relationships with First Nations through ongoing learning about values and interests. Our objective is to advance reconciliation through meaningful actions, and we are moving toward increased inclusion and participation with an approach to project planning that is focused on environmental protection and sustainability inclusive of traditional knowledge systems. In addition, we are enhancing all

communications, plans and reporting with balanced language and acknowledgment of Indigenous rights and perspectives.

When the PHAI moved to the implementation phase in 2012, the Mississaugas of the Williams Treaties First Nations asked to receive regular updates about the projects. CNL staff met at least annually with representatives from Hiawatha First Nation, Curve Lake First Nation, Mississaugas of Scugog Island First Nation and Alderville First Nation to provide project updates and engage in discussions on topics including environmental protection, economic opportunity and heritage resource protection.

Over this past year, at the request of Curve Lake First Nation, CNL's Indigenous Engagement Team has now established monthly meetings with representatives from the Mississaugas First Nation as well as the Chippewa communities, including staff from Beausoleil First Nation, Virginia island First Nation and Rama First Nation. These meetings were organized with input from the community representatives, and each meeting was focused on CNL environmental

remediation projects and the interests identified by these Nations.

In recent years CNL has also shared PHAI project updates with representatives from the Anishinaabe Nation and Métis Nation of Ontario. Other Indigenous communities include Mohawks of the Bay of Quinte and local Métis Councils who have been identified as potentially having interest in the project based on their proximity and interest in other projects in the area.

Over the years, CNL has provided these communities with project information mailings to keep them up to date and circulates invitations to special events, including Industry Day, career fairs and information sessions.

Next slide, please.

Communication and engagement are key elements of the Port Hope Area Initiative. A variety of communication projects and outreach activities ensure that local community and members of the public have up-to-date and relevant information about the projects. Staying connected with the residents of

local community, stakeholders and the broader public even during the pandemic is essential to the success of the PHAI.

Project information and updates are shared through presentations, tours, public information sessions and updates to municipal councils, community groups, schools and the business community. As one of the largest environmental remediation projects in Canada, the PHAI also attracts attention from the wider public, both nationally and internationally, who are interested either personally or professionally in the successful cleanup of low-level radioactive waste in these communities.

Those interested in CNL's future projects such as the proposed near surface disposal facility often seek information about the PHAI and the long-term storage of low-level radioactive waste in Port Granby and Port Hope. These projects offer current examples of CNL's ability to complete complex environmental remediation projects.

In addition, those engagements demonstrate CNL's work with Indigenous communities and

organizations, stakeholders and members of the public to provide information, offer opportunities for meaningful discussion and address questions and concerns through the entire life cycles of our projects.

From January to October this year, we have conducted 18 presentations on the PHAI and held 33 stakeholder engagements, including updates to the Port Hope and Clanton Councils, the local and regional real estate industry, and citizen advocacy groups. Our public interactions for the year to date total over 4,000, which include phone calls and emails to the general public and Port Hope residents.

As part of our small scale size program, we have held 202 meetings with individual property owners and our field officers have conducted 357 visits to individual properties to meet with owners and contractors on remediation plans in real time.

Online engagement continues to be a main element of our communications. In 2021, we have made 595 posts to our Facebook, Twitter and Instagram

profiles combined, and we've had a total of 6,353 visits to our website.

CNL has had a number of opportunities to connect with and support the community. Some of our staff was directly involved in supporting the local food bank during the early period of the pandemic, and last December, we were pleased to offer the use of the access road leading to the Port Hope waste management facility for a reverse Santa Claus parade where visitors drove by stationary floats and displays.

One of the most significant community connections occurred this summer when we donated two large truckloads of trees to Port Hope High School for use in their various wood shop programs. The trees had been removed from the Ivan Drive area in preparation for remediation, and this donation was not only an environmentally friendly solution, but allowed us to directly support local students.

As general manager of the historic waste program, I have been pleased to provide two video updates to the community this year. Circulated

through our social media channels, these updates provide timely information to the community on project progress and work.

Next slide, please.

We'll begin with the Port Granby Project today, and I'm very pleased to report that we have completed the capping of the engineered above-ground storage mound at the new long-term waste management facility, with over one million tonnes historic low level radioactive waste now securely contained

Completion of the cap and cover system represents the most significant project milestone to date and moves us to the final stage in addressing this longstanding environmental issue.

Next slide, please.

Over the past five years, the CNL team, our primary contractor, Wood, and our many sub-contractors have worked diligently to fulfil our environmental assessment commitments to the community and brings us to the point we are today.

October 22nd, we were pleased to

welcome AECL President and CEO Fred Dermarkar, CNL Chief Executive Officer Joe McBrearty, and Municipality of Clarington Councillor Margaret Zwart to a celebration of the capping and closure of the Port Granby storage mound.

It was a small gathering due to COVID restrictions, but we were able to include many of the Port Granby staff who helped bring the project to this point. We plan a larger scale celebration in the spring and invite the community and First Nations to join us in recognizing this tremendous milestone.

Next slide, please.

The closure of the mound comes soon after another key achievement in November 2020 when CNL transferred the final truckload of historic waste away from the Lake Ontario shoreline to the new facility. In total, we removed more than 1.3 million tonnes of contaminated soil and industrial garbage that had been located on the unstable shoreline site for almost a century.

As you can see in the photo, we have come a very long way. The once-contaminated area has

been restored, the grass is growing on top of the clean soil and treated clean water is being discharged to Lake Ontario, enhancing protection of the Great Lakes basin ecosystem.

Next slide, please.

For anyone who may not be familiar with the Port Granby Project, it involves the excavation and transfer of historic low-level radioactive waste and industrial refuse from the former waste management site located on the shores of Lake Ontario. This was a result of past practices of the nuclear industry and the waste was placed there between 1955 and 1988.

The site is shown with remediation under way in the photo on the left, and the photo on the right shows that same site now remediated and replanted with grass. The internal roadways and infrastructure that were put in place to support the project are being removed and the land will be restored and replanted as appropriate.

Next slide, please.

CNL constructed a new facility

supporting infrastructure shown here which includes the engineered above-ground mound, dedicated wastewater treatment plant, stormwater collection ponds, internal haul roads and various support structures. All the waste from the former site was taken and transported in covered trucks along an internal waste haul route to address a request by the community that our trucks hauling waste would not travel on public roads.

Next slide, please.

You can see in these recent photos the mound has been constructed to resemble a drumlin, or a hill, to align with the request of the local community that the mound should blend in with the surrounding environment.

The mound comprises two cells where the low-level radioactive waste is stored. It was designed to isolate the waste from the environment using a multi-layered cover system comprised of both natural and manufactured materials that prevent surface water infiltration, provide protection by intrusion from animals and reduce radiation at the

mound to background levels.

Though a first in Canada, the engineered mound design is a proven solution used around the world. In fact, this design is very similar to the Port Hope facility currently under construction, and CNL's proposed near surface disposal facility will include a similar containment mound to address low-level waste at the Chalk River site.

Port Granby is an example of how this solution works, and CNL continues to gain incredible valuable experience that we can apply to other projects as we address legacy waste in Canada.

This year, the final layers were put in place over both cells and the entire mound was then covered with clean fill and grass. Dedicated systems installed within and around the perimeter of the mound will monitor its performance for hundreds of years into the future.

With all historic waste now in safe long-term storage, I am proud to tell you that the Port Granby Project has now moved into the long-term monitoring phase.

Next slide, please.

One of the most critical aspects of this project has been the treatment of contaminated surface and groundwater associated with the waste. During construction remediation, all wastewater from the former site, from within the mound and from the decontamination of trucks and equipment, was pumped to the dedicated wastewater plant for treatment. Treated water is then discharged to Lake Ontario, meeting all regulatory requirements.

Now closed, the storage mound is designed to divert clean water, such as rain and snow to ditches around the perimeter and in the nearby stormwater ponds before being discharged off site. Contaminated water, or leachate from the waste, is pumped from inside the mound and from the former site to the wastewater treatment plant onsite.

In 2019, CNL's licence was amended to reflect the lower release limits for treated water sent to the new wastewater treatment plant, confirming the broad list of nuclear and hazardous substances meeting requirements for discharge to Lake Ontario and

enhancing protection of the Great Lakes basin ecosystem.

Port Granby Project shows that CNL is capable meeting stringent water treatment criteria. This experience has been applied in plenty of other CNL work where water management and treatment are required to address contact water and leachate. To date, Port Granby Plant has treated and released approximately 768,000 cubic metres of clean water to Lake Ontario while removing more than 2,800 tonnes of solid material from the water and containing it in safe long-term storage.

Next slide, please. Water management was a significant challenge throughout the construction of the mound and remediation of the former site. A number of measures were implemented to mitigate the impact of substantial rainfall during this time, including the installation of eight large storage tanks to hold a backlog of contaminated water before it was treated at the plant. The excess water has now been processed and only one of these tanks remains on the site as contingency.

As part of the treatment process, contaminated solids are removed from the wastewater. Once capping of the mound began, these solids could no longer be placed in the Port Granby storage mound. So after a thorough review and numerous test runs with specially reinforced trucks, the solids from the plant are now transported to the Port Hope Long-term Waste Management Facility for safe, long-term storage.

With the Port Granby mound now closed, production at the treatment plant will be scaled down and the volume of material being transported off the site is expected to significantly decrease. At the former site a dedicated treatment system is in place to collect impacted groundwater from the east gorge and pump it back up to the wastewater treatment plant. This process will continue for several decades until the water quality at the site returns to background levels.

Next slide, please.

CNL continues to work on dismantling and removing the extensive infrastructure that was put in place to support the Port Granby project. We

recently completed the realignment of the Lakeshore Road. The road alignment had been altered in 2016 to accommodate the transfer of waste materials that I mentioned earlier, to prevent the waste being hauled on public roads. This was done at the request of the community during the environmental assessment.

Over the next year we will continue to remove internal roads and other structures, including the underpass constructed at Lakeshore Road, as we move toward contractor demobilization at the end of 2022.

Next slide, please.

Although remediation and closure of the mound are complete, CNL staff will remain on site over the long term to ensure the facility is operating as it should be. For hundreds of years the internal systems of the mound will be monitored through advanced technology. The surface will be routinely inspected, facility grounds will be monitored and maintained, and the wastewater treatment plant will continue to treat residual water for decades to come.

Environmental monitoring will be in

place including air, groundwater, and soil, to confirm the facility continues to have no impact on the surrounding environment. As with all its existing and planned projects, CNL's environmental monitoring and stewardship continue through the entire life cycle of our constructed facilities, which include extensive monitoring and mitigation measures intended to be in place long after each facility is closed to ensure environmental protection and safety for generations to come.

Next slide, please.

We have a short video we would love to share with you that really shows the breadth of the Port Granby Project and a great overview of the work that has been done there.

Please proceed with the video.

--- Video presentation / Presentation video.

**MR. HUGHEY:** All right, next slide. I hope you enjoyed that video.

Moving on to Port Hope, the larger and more complex of the two projects. This involves the remediation of approximately 1.2 million cubic metres

of historic low-level radioactive waste for multiple remediation and construction sites, each requiring a great deal of planning and coordination.

This slide shows some of the major sites where cleanup is taking place at Port Hope. The blue square at the top right of the photo on the left shows the location of the former waste management facility, where CNL removed over 770,000 tonnes of waste that had been stored by Eldorado Nuclear Limited at the site that is now the long-term waste management facility. Once this area was cleaned and verified, we began construction on the largest of the four sites and storage mounds. The pink stars show the Highland Drive sites, where removal of approximately 200,000 cubic metres of waste is underway. And the orange stars show the waterfront area sites where we are remediating about 500,000 cubic metres of waste from the harbour and surrounding lands.

Next slide, please.

The Port Hope waterfront sites involve the remediation of historic low level radioactive waste at several sites. The former site of Eldorado

Nuclear Limited is adjacent to the harbour in the photo and is now occupied by Cameco Corporation. Waste stored at a temporary storage site on the centre pier was removed in 2019 and remediation of the center pier will take place at a later date. We recently completed remediation and restoration of the sites at Waterworks East and 95 Mill Street South, and work is underway in the harbour and at the Viaducts site.

Next slide, please.

Work to prepare for the removal of the contaminated sediment in the harbour began with the installation of a weight attenuator in 2017. Additional preparations included strengthening the aged harbour walls, de-fishing the harbour and setting up the watering stills and a water treatment system on the centre pier. The chemical dredging began in 2018 and continues with hydraulic dredging scheduled to start later this year. The dewatered sediment in the harbour is collected and transported to the Port Hope Project Long-term Waste Management Facility for storage.

Next slide.

This is 95 Mill Street South located near the waterfront east of the centre pier. This is owned by the municipality and was built up originally with 12,000 cubic metres of contaminated fill to reclaim marsh lands. CNL removed 16,700 cubic metres of low-level radioactive waste from the site, almost 40 percent more than what was originally anticipated, and that site has been backfilled and seeded, as you can see.

Next slide, please.

We are working on a number of other sites in the waterfront area with remediation underway, the Strachan Street ravine, and in the area beneath the CN/CP Viaducts, and design work is in process for both the Alexander Street Ravine and Waterworks West sites.

Next slide.

As specified in the 2001 legal agreement, CNL is responsible for cleanup and long-term storage of up to 51,250 cubic metres of non-radioactive industrial waste in Port Hope resulting from aspects of a variety of industries.

Industrial waste will be transported to Port Hope Long-term Waste Management Facility and/or a licenced hazardous waste facility for safe storage and monitoring. These include Chemetron Lagoon, scheduled to begin later this year; Sculthorpe Marsh, planned for 2022; Centre Pier will be remediated as part of harbour work in 2024; and the Former Coal Gasification Plant and the Lion's Recreation Centre Park, both of which will begin in late 2022 or early 2023.

Next slide, please.

It's an overview of the Highland Drive Area Sites. It involves removal of two temporary storage sites and remediation of five sites in a central area of urban Port Hope, surrounded by residential neighbourhoods, heritage homes, the high school, and a recreation centre.

Next slide, please.

Two temporary storage sites at the Pine Street North Extension contained a total of almost 7,000 cubic metres of waste, relocated to the area as part of cleanup activities undertaken in support of municipal and residential construction

since the 1980s. Waste at these sites was removed in 2019.

The Highland Drive landfill contains approximately 50,000 cubic metres of historic low-level radioactive waste placed in the site while operating as a municipal dump. The landfill site, closed in 1991, is owned by the Municipality of Port Hope and managed by Northumberland County. CNL submitted an environmental compliance approval amendment on behalf of Northumberland County. The remediation is anticipated to take place in 2023.

Highland Drive South Ravine contains approximately 5,000 cubic metres of soil and pond sediment contaminated with historic low-level radioactive waste from leachate originally at the Highland Drive Landfill site, running downhill under Highland Drive, into the ravine. CNL will dredge the ponds and install permeable reactive barriers to intercept contaminated groundwater until it is clean.

And the Highland Drive Roadbed contains approximately 15,600 cubic feet of historic low-level radioactive waste resulting from Eldorado

Nuclear Limited using plant material to fill in the roadbed, and from truck spillage en route to the landfill site. CNL will remove the waste, restore the roadbed, and remediate residential front yards along the road where required. This will be incorporated into other work in the area, including the landfill on Pine Street North Extension Roadbed.

Next slide, please.

Remediation at the Pine Street North Extension consolidation site began in May of this year and is progressing safely. The site contains historic low-level radioactive waste that was consolidated in a mound during the initial clean up of Port Hope properties in the late 1970s to early 1980s. About 60,500 cubic metres of impacted soil have been excavated, representing 70 percent of the total anticipated volume, and the site is expected to be complete in early 2022.

The small-scale sites project is a challenging aspect of the PHAI scope of work, as it involves testing approximately 5,990 properties in Port Hope to identify the presence or absence of

historic low-level radioactive waste. Where waste is discovered at these sites, primarily residential sites, it will be remediated and properly restored.

Today, we have completed surveys on approximately 4,941 of these properties and we have projected about 1,179 require cleanup.

Once work is completed on a property, CNL finalizes our remediation action plan to identify the waste locations before the property moves into the design phase. The design outlines a plan to remove impacted soil and identifies property features such as decks and driveways and trees that may be removed during remediation.

We have completed 211 design plans, with another 451 under way, and 333 properties are ready to begin.

Of course, the final step of the process is remediation and restoration of the property. We have completed 61 to date, with 26 under way.

Next slide, please.

These photos show remediation in a

neighbourhood where several properties were identified as having low-level radioactive waste, and you will see that the remediation was required here in both the front yards and back yards on this block.

CNL makes every effort to undertake remediation on adjacent properties simultaneously and in conjunction with any other cleanup required in nearby sites. This approach allows us to complete all the work in an area at once to minimize impacts to the neighbourhood.

Next slide, please.

This property is another example of extensive low-level radioactive waste impact that required remediation on the entire property and, in the photo on the right, you can see that once remediation was completed, the area has been back filled with clean soil and sodded to re-establish the green space areas.

Next slide, please.

Once waste is removed from a site, it is safe to transport it on designated transportation routes to the Port Hope long-term waste management

facility. The 55-hectare site includes an engineered above-ground storage mound and advance technology wastewater treatment plant and supporting infrastructure.

Similar to the facility in Port Granby, the mound comprises separate cells where the low-level radioactive waste is stored. It features the same multi-layered baseliner and cover system of natural and fabricated material to stop surface water infiltration and will reduce surface radiation to background levels.

Next slide, please.

In February 2020, CNL marked an important milestone in Port Hope, with more than one million tonnes historic low-level radioactive waste safely transported to the long-term waste management facility, and that total represents almost half of all the contaminated soil that is to be removed from the various locations in Port Hope.

Next slide, please.

Port Hope Project wastewater treatment plant treats surface water and groundwater at the

long-term waste management facility during construction and remediation and will continue to treat contaminated water as needed from within the engineered above-ground mound after it is capped and closed.

Since inception, the plant has treated approximately 670,000 cubic metres of water. The clean water is then released via pipeline to Lake Ontario. The process has also produced more than 2,000 tonnes of solids that are transported to the mound for safe long-term storage.

As part of our application to CNSC to combine the Port Hope and Port Granby licences, CNL has recommended an amendment to the Port Hope licence to incorporate improved lower water release that is being met by the new plant.

Next slide, please.

In March 2020, in consideration of extensive project experience and ongoing feedback and concerns expressed by Port Hope property owners and the broader community, CNL submitted an application to the CNSC to change the Port Hope cleanup criteria for

uranium and arsenic.

A comprehensive communications program was launched in September 2020 to share information and solicit input from stakeholders and Indigenous communities and organizations. A report on that engagement was submitted to CNSC in January of this year.

And last month, in October, CNL launched a second campaign to provide updated information on implementation of changes in the criteria and will report back to the CNSC on that engagement in the coming months.

Final slide, please.

I want to thank you for your time today. At this point, I will return the floor back to Mr. Boyle.

**MR. BOYLE:** Thank you, Mark.

In closing for CNL, I'd like to note that CNL accepts the content and conclusions that were reached in staff's 2020 Regulatory Oversight Report. As stated in my earlier remarks, we have operated safely and securely during the 2020 calendar year and

we are constantly working to maintain our focus on safety and make improvements to enhance safety, and we continue to meet our regulatory obligations.

As part of that commitment, we are also working very hard to meet and exceed the regulatory requirements we are subject to in the operation of the sites we manage. That is our goal, and we will continue to drive organizational improvements to ensure we are operating at the high standard that is expected of us as Canada's national nuclear laboratory.

Once again, I would like to thank you for your time today, President Velshi and Members of the Commission. This concludes CNL's remarks. We are prepared to answer questions about our activity and performance in 2020.

Thank you.

**THE PRESIDENT:** Thank you, CNL, for your presentation.

Given that we're running a little ahead of schedule and I know that our intervenors have made themselves available at what they thought was the

scheduled time slot, I think just to make sure that the flow of today's proceeding goes well, we will take a longer break for lunch and we will resume at 1:00 p.m. Eastern Standard Time.

So we will see you all back then and we will start with our oral presentations then.

Thank you.

--- Upon recessing at 11:42 a.m. /

Suspension à 11 h 42

--- Upon resuming at 1:00 p.m. /

Reprise à 13 h 00

**THE PRESIDENT:** Welcome back. We will now move to the interventions, and I'll turn it over to you, Marc, for some introductory remarks around interventions, please.

**MR. LEBLANC:** Thank you, Madame la Présidente. Before we start, I would like to remind intervenors appearing before the Commission today --

**THE PRESIDENT:** I think you're on mute, Marc.

**MR. LEBLANC:** Am I?

I was not on mute. You can hear me, okay.

I think, Madame la Présidente, you're the one who can't hear me.

**THE PRESIDENT:** Is it just me?

**MR. LEBLANC:** I'll proceed. Thank you.

So before we start, I would like to remind intervenors appearing before the Commission today that we have allocated 10 minutes for each oral presentation, and we would appreciate your assistance in helping us to maintain that schedule. Your more detailed written submission has already been read by the Members and will be duly considered. There will be time for questions from the Commission after each presentation, and there is no time limit ascribed for the question period.

I will ask that once representation and the associated question period are over that you leave the Zoom session. You will be able to continue following the hearing via the live webcast on the CNSC

website. Madame la Présidente.

**THE PRESIDENT:** Thank you, Marc.

Our first oral presentation is from the Manitoba Métis Federation as outlined in CMDs 21-M32.4 and 21-M32.4A. I understand that Ms. Marci Riel will be presenting the submission.

Ms. Riel, over to you, please.

**\*CMD 21-M32.4/21-M32.4A**

**Oral presentation by the  
Manitoba Métis Federation**

**MS. RIEL:** Thank you kindly. Good afternoon, everyone. I am happy to welcome you virtually to the national homeland of the Red River Métis although, in all honesty, I am currently sitting on the Gulf of Mexico, but that is neither here nor there.

What I will say is that President Chartrand was not available to join us today, and I do apologize for that, but he has asked me to provide a bit of a presentation.

I will note, as was just indicated, we did file a written submission and, in the interests of time, I will draw your attention to the written submission as opposed to focusing on going on over all of it.

I will note for the record that I am not a lawyer. I am a technical person. My title is Senior Director of Energy Infrastructure and Resource Management at the Manitoba Métis Federation, the government of the Red River Métis.

Next slide, please.

As you are all well aware, the MMF is a democratically elected government of the Red River Métis, and the MFF is duly authorized by our citizens to deal with their collectively-held rights, claims and interests, including conducting consultations and negotiating accommodations as per the MMF's Resolution No. 8.

It's noted for the record that there's only one large geographically dispersed Red River Métis. We don't talk about, you know, multiple communities or a variety of Nations but, rather, one

Nation with collectively held rights, that of the Red River Métis. Our citizens live, work and exercise their section 35 rights throughout and beyond the province of Manitoba.

And just for the record, since we last saw each other, you may recall that the MMF in 2016 concluded a framework agreement with Canada for advancing reconciliation. That agreement was intended to find a shared solution specific to the Supreme Court's decision in *MMF v. Canada* and advance the process of reconciliation between the Crown and the Red River Métis.

I'm pleased to say that on July the 6th of this year, Canada and the MMF signed Canada's first Métis self-government agreement. That agreement gives immediate recognition to an existing Métis government and it is -- and will be followed by a Treaty between the MMF and Canada.

This is significant because it means that the MMF, as the government of the Red River Métis, is the first officially recognized government from the Indigenous sector.

Next slide, please.

So you can see from this slide there are a number of key components to our submission, namely, that the Whiteshell Lab site is located within the Métis recognized harvesting area. The Red River Métis, of course, use the lands and waters surrounding the Whiteshell site for harvesting as well as exercising our section 33 rights. I will note that the Red River Métis and/or the MMF was not adequately consulted at the outset of this process.

To CNL, AECL and, frankly, the CNSC's credit, we have been engaged in both an engagement process and a consultation process since that time, but for the record, it is important to note that when the lab was put in place, there was no such consultation process.

And I will just note as well, big picture, long term, the MMF is particularly concerned in long-term stewardship of the land, particularly at the WL site, and transitioning that site for future beneficial use by the Manitoba Métis community.

Next slide, please.

So I will note the MMF was very pleased with the replacement of the executive summary with a plain language summary. I believe it was a welcome addition to the ROR and that it presented an accessible, though condensed, version of the report that was easily reviewed by all audiences.

For the record, I would encourage the CNSC to identify methods of increasing the proportion of the ROR that is presented in plain language. I truly believe it would benefit the process as well as the Nations that are involved.

As you know, the MMF has provided comments through past RORs and a variety of other interventions. I will note that our submissions generally highlight ongoing concerns with a lack of independence and compliance monitoring, particularly where they rely heavily on component data. The MMF collects a significant amount of environmental and culturally relevant data, and this, we believe, should be considered and incorporated into the CNSC's compliance review.

Next slide, please.

Like many things, public health restrictions in place due to the pandemic impacted the ability of the CNSC to conduct in-person inspections of the CNL facilities, including the WL site. As a result, the CNSC's oversight was limited to remote and/or virtual inspections of the site and desktop reviews of data provided by CNL.

Overall, our findings were that the information provided by the CNSC in this ROR was deficient in describing how inspection methodologies were conducted and, frankly, how these inspections or oversight activities were impacted as a result of conducting them virtually.

To that end, we recognize that that was the requirement that, you know, virtual was the only option. We just note for the record that with that in mind there is perhaps or should be perhaps a better and more useful opportunity for the CNSC to be able to explain to the Nations what that means and how.

For example, it's unclear from the information that was provided whether limitations due

to the restrictions meaningfully impacted the ability of staff to provide oversight on the facilities and, frankly, whether the 2020 ROR can be viewed as equivalent to previous ROR assessments.

Next slide, please.

In the previous two years, the annual ROR reports for the Whiteshell Lab site evaluate security as being below expectations. In 2020, this evaluation was shifted to satisfactory.

It is acknowledged that CNL did develop a plan to rectify this and meet the satisfactory criteria. However, it is unclear from the 2020 ROR what measures were enacted by the proponent and how a sufficient evaluation was conducted to change the rating, particularly given restrictions with COVID-19 at the site and the inability for the CNSC to inspect the site in person.

With that in mind, the MMF notes that the CNSC must provide greater detail on what a below expectation score means for the security SCA and what measures it requires CNL to take at the site to improve security performance. Additional information

is required to determine if Métis rights, claims and interests were considered in the security enforcement order and what impacts on the Red River Métis may be result or may have resulted from that process that require additional or responding actions to address.

Next slide, please.

Much of the focus by the CNSC in 2020 was to fulfil consultation and accommodation commitments and obligations which, frankly, the MMF, as the Métis government, greatly appreciates.

While this is important, it should only be viewed as part of an ongoing engagement process with the MMF. It needs to continue to evolve to be more proactive rather than reactive in nature.

Moving forward, it is important that CNL and the CNSC work with the MMF specifically in developing methods to include Métis participation and monitoring and decision-making at site.

Next slide, please.

The CNSC continues to refer to and draw information from the original comprehensive study report for WL site. This document is more than 20

years old and does not take into consideration the physical changes to the site, the measures that have been implemented in the time since the document was developed or, frankly, the changes in legislation and the general accepted, shall we say, of Indigenous rights across the Nation.

The MMF recommends that a new comprehensive study report be developed and that that document focus on updating the information to target remaining hazards and potential dose concerns to the public and to section 35 rights holders specifically and potential future users of the land, particularly, from our perspective, the Métis Nation, which may have a range of exposure pathways, air, water, land, fish, wildlife, and the like.

Next slide, please.

As described by the ROR, independent monitoring was not conducted at any CNL site in 2020 and, further, this monitoring was not connected at the WL site -- or conducted at the WL site in 2019 either.

The IEMP data is vital to ensuring that all parties are able to independently verify that

environmental monitoring and controls are in place and that they're working as designed. The CNSC must provide the MMF with a timeline for how the collection and monitoring has or will restart.

I'll note that we have been provided some additional information and have been working with the CNSC team on the IEMP. That is a lot of acronyms in one sentence. But I would just flag that my primary concern and the recommendation that I have continually made through these processes is that the monitoring program so far put forward is focused on the environmental science behind the process as opposed to ensuring participation of the section 35 rights holders, and I would just really emphasize that the key component here is that, due to the pandemic, neither of those took place and that's a particular challenge.

Next slide.

As of 2016, CNL began reporting levels of a variety of different chemicals and such released to surface waters. The release of uranium and americium is not surprising given the state of

operations at WL; however, it is given that it is a nuclear fission product.

The values that are observed are low. However, as the Winnipeg River and the Lake Winnipeg are important areas to Métis harvesters which fish and, in some cases, commercially fish, this is very concerning. You may recall that I've previously said that, in Manitoba, 90 percent of commercial fishers are Indigenous and 75 percent of that 90 percent are Métis Nation.

President Chartrand often references commercial fishing as one of the last traditional economies in the Métis Nation and so we are, of course, very concerned about the potential for impacts to the Winnipeg River and Lake Winnipeg in particular. Investigations should be conducted to understand the source of the radionuclides observed and further enact controls on these sources.

Next slide.

The WL site is located within the MMF's recognized harvesting area. Métis citizens currently harvest and exercise their section 35 rights

within 100 metres of the site, we have for generations and will frankly continue for generations more. As a result, it is critical that there be a clear communication channel between CNSC, CNL, AECL, and MMF regarding ongoing activities on site as well as decommissioning efforts.

The CNSC, CNL, and AECL must engage with MMF to develop a mutually agreeable communications strategy for decommissioning activities, which must include ongoing and proactive communication about, one, decommissioning and demolition activities, including timing, approaches, implications and alternatives; two, potential adverse effects of decommissioning and reclamation activities both short and long-term; three, processes for shared decision making, which includes MMF input and feedback into development of decommissioning plans, and use plans, and the long-term stewardship of the land.

Next slide, please.

As currently defined and described in the ROR, the Whiteshell site relies on transporting waste material to the Chalk River Facility.

Insufficient information is provided in this ROR to accept the feasibility of this plan and whether the Chalk River Waste Facility has sufficient capacity to accept the WL waste.

Next slide.

There is a need for proper assessment and analysis of the in-situ decommissioning as an acceptable approach to site closure. This includes the development of an ISD policy for Canada that includes input and guidance from the MMF as the duly elected representatives of the Red River Métis.

Currently the preferred alternative being advanced for the WR1 reactor decommissioning is that it is in-situ decommissioning, along with the above ground disposal. However, as has been pointed out in the letter by Saugeen to Minister Wilkinson, there is currently no federal policy and guidance available governing in-situ decommissioning for nuclear sites.

This gap in policy is a major concern given the potential for both cumulative effects and ongoing lasting impacts to the rights, interests, and

claims of MMF citizens, harvesters in particular. This policy gap needs to be rectified and corrected before ISD can be considered an acceptable option to pursue for site closure.

I will note for the record the MMF has provided its comments on Canada's rad waste policy and has provided those comments to the CNSC and CNL, in an effort to ensure that all three parties, AECL as well, have received the information are on the same page as the MMF. The closing of the policy gap must include input and consultation with the MMF as in outlined in MMF Resolution number 8.

Next slide, please.

We recommend that the current rating system be enhanced to provide more transparent information on the criteria and decision-making process for the SCA ratings. The current definitions for the ratings are vague at best. For example, satisfactory performance correlates to "compliance within the safety and control area or specific area meets requirements and CNSC expectations."

For each of the SCA ratings at site,

it should be clearly outlined how specifically each site has rated for each SCA and what it constitutes to meet the "CNSC's expectations". Additionally, it would be ideal to also consider the MMF's evaluation of performance for these ratings based on the Métis Nation liaisons, the monitors, etcetera, particularly once those positions have been established and funded and are on the MMF's perspectives of performance over the past year. Such a process would allow for more robust and impartial evaluation process. Ideally, in a perfect world, the MMF would be looking for our own people with our own boots on the ground to be providing information and resources set into this process.

Next slide, please.

So I'll just note, as I had outlined at the outset, the ROR process continues to rely heavily on proponent led monitoring. The CNSC must increase the amount of independently collected data for performance verification. Greater consideration must be given to incorporating MMF collected environmental data, and the MMF continues to be

interested in having a more active role in the independent assessment and post-decommissioning decision-making at WL.

Next slide, please.

With that, I would say thank you very kindly. I appreciate the opportunity to speak with you directly today, and I welcome any comments, concerns, questions that you may have.

**THE PRESIDENT:** Thank you very much, Ms. Riel, for your presentation.

You may not have been here earlier today given where you're at right now. Staff did mention at the outset that the security rating for Whiteshell is below expectations for 2020, same as the previous two years, so there was a change in the rating from what you may have seen -- what you had seen in the written submission from staff.

**MS. RIEL:** Thank you kindly.

**THE PRESIDENT:** We will open the floor for questions, and we will start with Mr. Kahgee, please.

**MEMBER KAHGEE:** Chi miigwech for your

presentation. I thought it was very informative and clearly and concisely outlined the concerns that MMF has. And congratulations on your Nation's efforts to reconcile with the Crown. I think that's a significant achievement and I know that's been a long time coming, so congratulations on that.

I had a specific question, I think for CNSC, and it goes to the ongoing monitoring. I'm just wondering what efforts have been made to ensure MMF participation in that monitoring program, and also to ensure that MMF knowledge is brought to bear on that process and to inform that process? I'm wondering if CNSC staff could clarify that for me.

**MS. CIANCI:** Candida Cianci for the record.

So in terms of incorporating the Indigenous knowledge that is a commitment and an effort that CNSC staff have been continuing to do in terms of incorporating Indigenous knowledge, as we talked about our presentation, within our regulatory review processes and activities such as the independent environmental monitoring program.

So I would like to invite our Environmental Compliance Division to speak to the efforts that have been underway on the IEMP in particular. We are committed to involving the MMF in those activities. Discussions have been underway in terms of next year's sampling campaign that will be carried out at the Whiteshell site. So those discussions have started, and it's my understanding too that we're getting a better understanding of the MMF's monitoring program in that dialogue. So I will ask Ms. Sauvé to provide further information.

I would also like to note and invite CNL to provide information as well, because they have been working to include MMF in their monitoring activities as part of their existing monitoring program. So they can also provide that detail after Ms. Sauvé.

**MS. SAUVÉ:** Thank you. Kiza Sauvé, the Director of Health Science and Environmental Compliance Division.

I'll walk through briefly an independent monitoring program at the Whiteshell site.

We were there in 2017. We did not have discussions at that time with the Manitoba Métis for that campaign. The subsequent hearings, we heard loud and clear that we need to have more discussions, and as Ms. Cianci mentioned we have been having discussions.

We were hoping to be there in the 2021 year. Knowing that it might not be possible, we planned, anticipating that, that we would also go back in 2022. So it's on the books for this year. We've started those discussions. We're in, I'll say a fortunate situation, in that we haven't -- the plan for Whiteshell, the first time we went, it was our first time there, and not being as familiar with the area, we kind of did the best we could.

But working with the Manitoba Métis Federation, we're going to be able to better understand the area and it's giving us a good opportunity to update that plan. Because it was a really -- it was a pretty small plan to begin with. So this is a great opportunity to work together to make it a meaningful plan for all the section 35 rights holders.

So I think we'll pass to CNL now to talk about their plans.

**MR. GILBERT:** Thank you. This is John Gilbert, for the record. John Gilbert, General Manager Whiteshell Project.

Thanks for that input. I completely agree with Marci on this one, and you know, fish and game, garden crops, native vegetation, they've all been monitored as part of our environmental monitoring program now for 10 years and that's been reported in our annual reports. Since about 2019, the list of foodstuffs has been increased based on input from MMF and local First Nations so that we have a better feel for what the country foods are, and those that may be a part of the Manitoba Métis traditional knowledge.

Additions to some of the food samples that maybe we didn't take in prior years are mushrooms. They're sampled with MMF participation, so we appreciate the folks coming out from the Winnipeg area to assist with that. In addition to honey, wild rice, blueberries, and a few other plants. And our intention as we move forward obviously, is to grow our

relationship with the MMF and add as many medicinal plants to the list that are required by MMF as we can, as well as the balance of the First Nations in the area.

So we're currently working with the Métis and the First Nations to include medicinal plants into all of our monitoring programs. Thank you.

**MS. RIEL:** May I --

**THE PRESIDENT:** Any follow-up? Of course, go ahead, Ms. Riel.

**MS. RIEL:** Thank you kindly. I would just note -- thanks very much to the CNSC and to CNL for those responses.

As I have said in previous interventions, that's entirely correct. I'm not suggesting that CNSC and CNL haven't done anything. What I'm suggesting is that the process would benefit from an intensity perspective, right? So we certainly have had other regulators in Manitoba that have been on site during the pandemic -- in fact, all of the other regulators across Canada have been on site in

Manitoba on projects. For some reason, the CNSC, for whatever reason, was not able to undertake any on-the-ground monitoring at the Whiteshell site this year.

And I am simply flagging for the record because I would be remiss in failing to do so, that I have long asked for that monitoring to take place, and pandemic aside, the CER, IAC, all of the other DFO, Transport Canada, all the other regulators were on the ground in Manitoba during the pandemic, both in this past season and frankly the season before.

I will also note that, as Mr. Gilbert pointed out, CNL and the MMF have been working towards a relationship agreement, have had Métis Nation monitors out on site and I greatly appreciate that that has taken place. But I would just note again for the record that that has taken place, I'm going to say, six to twelve times over the course of the time frame. It's very different from having monitors on the ground on the daily, weekly, monthly, right?

And so what I would just note is

compared to other monitoring programs being regulated across Canada, this program has a challenge in the number of inspections, for lack of a better word, the number of times that the folks are on the ground at site. And frankly, a challenge with prioritizing the impact of the section 35 rights holders on the process, in terms of gaining that knowledge.

I agree and appreciate that we have identified so many additional instances of traditional use, medicines, plants, and things of that nature -- completely agree. What I would suggest, though, is that a key component of any intensive monitoring program is a continuity of process. Not just, you know, "We're going to be sampling the fish, come and watch." But a participatory situation in which our monitors are participating in the work, as opposed to observing the work, and to CNL's credit, we have transitioned to that process.

But again, it comes down to how many times has that taken place? And I would be surprised if it was more than 12. I think I'm probably estimating to the benefit of CNL. But I would just

note that really what we're looking for is a long-term process put forward by the CNSC on monitoring, that ensures that CNL and the section 35 rights holders have the opportunity to be on the ground at the same time, worrying about the same things, and moving forward collaboratively. Thank you.

**THE PRESIDENT:** Thank you. Mr. Kahgee, any follow-up?

**MEMBER KAHGEE:** Just a quick follow-up then to Ms. Riel. Thank you for that. That's helpful. That leads me kind of into my next question, having heard from CNSC and CNL on their efforts and that engagement efforts have been improving.

Is it MMF's expectation that there will be a more formalized structure, perhaps via a protocol for engagement going forward, that specifically address the concerns that you've raised and clarify those processes? Is that your expectation?

**MS. RIEL:** So the answer to that question would be yes. We certainly would expect a protocol moving forward, both between the MMF as the

Métis government in Canada on this, through the CNSC and others, and frankly between the MMF and CNL, and to some extent the AECL. Let's be honest, you know, this is -- a key component of this process is the recognition of AECL in it.

So I would say, yes, that from the MMF's perspective, we need to move forward collaboratively and a protocol, or a relationship agreement, or something of that nature that really sets out the shared objectives, both on the part of the regulator and the Métis government, and on the part of the proponent and the Métis government, is key to moving forward together.

**MEMBER KAHGEE:** Perhaps maybe CNSC could respond? My understanding that from their word, there is at least four protocols that CNSC has implemented in a similar vein. Do you have any response?

**MS. CIANCI:** Absolutely. Candida Cianci for the record.

So what I can say is that we're absolutely committed to establishing a long-term

engagement terms of reference with the MMF on long-term engagement, and that would include a communication strategy protocol that MMF is looking for.

We have been successful in that we've landed on a mutually agreed upon terms of reference specific to the WR-1 in-situ decommissioning project, and frankly that has been the focus of a lot of our ongoing engagement and consultation with the MMF. But we have offered to carry out a long-term engagement terms of reference with them and we are certainly committed to establishing one, recognizing that we need the time and effort to put one together, but the commitment is certainly there.

**MEMBER KAHGEE:** Thank you.

**THE PRESIDENT:** Maybe we can take this opportunity to ask CNL and then AECL about their plans for a protocol, or terms of reference, or some kind of formalized agreement between the parties. So CNL?

**MR. GILBERT:** Thank you. John Gilbert once again for the record.

So CNL is committed to establishing a

communication protocol, notifying the MMF of any activities on site that may impact the off-site use of the land in accordance with MMF's Resolution number 8. We are committed to making this a formalized agreement through the development of a relationship agreement with the MMF. We are committed to provide funding to support the development of the communication protocol, and any other initiatives identified by the MMF to help address their concerns, not only for WR-1 project, but for the site closure as a whole.

So hopefully that answers your question. Thank you.

**THE PRESIDENT:** Thank you, Mr. Gilbert.

AECL?

**MR. MacDONALD:** Alistair MacDonald for the record.

And I can just state, you know, confirm full support for Mr. Gilbert's comments there, and a full support for, you know, ongoing working together with AECL, MMF, and CNSC in this particular area. And I know there are a number of activities

taking place to further that, but full support in that area. Thank you.

**THE PRESIDENT:** Thank you, Mr. MacDonald.

Let's turn to Ms. Maharaj.

**MEMBER MAHARAJ:** Thank you, Madame Velshi.

My question is to the staff, with respect to the comprehensive study report that Ms. Riel referred to. The fact that it's 20 years old is of concern, and I was wondering whether or not there are any plans to update that report or is it the type of report that needs to be redone at this point in time? Perhaps somebody can give some more information about that?

**MS. CIANCI:** Certainly. Candida Cianci for the record.

So I'll start and then I'll invite my colleagues in the Environmental Assessment Division and Environmental Risk Assessment Division to complement my answer.

But the comprehensive study report is

the report that was prepared and is deemed final leading up to an EA or an environmental assessment decision that was made on that particular project on the proposal to fully decommission the site at the time. So it's not an evergreen document, it's a reflection of the information that was taken into account from the Commission at the time to make a decision.

So it's not a document that is updated. It reflects the final report that was given to the Commission to make their decision. However, notwithstanding that, CNL has requirements to update and provide information on the hazards and the doses. They will do so as part of their annual monitoring compliance report that they submit to us every year in terms of that information and environmental data is to be provided. But there's also a cyclical requirement for them to submit Environmental Risk Assessments.

And so for that I'll pass the question over to my colleagues to provide that information.

**DR. KWAMENA:** Dr. Nana Kwamena,  
Director of the Environmental Risk Assessment

Division.

So Ms. Caranci pretty much summarized what I was going to say to you, which was basically that these environmental assessments are planning tools. And so it is based -- it's an EA process that is based on the information and data that's available, and the assumptions that are available at that particular time. It is not something that is meant to be updated.

I understand that the framework for environmental reviews may have evolved since then, but we don't go back and reopen an environmental assessment.

But as Ms. Cianci has indicated, there are other elements of our environmental protection framework that allow us to have that oversight, including the Environmental Risk Assessment. And my colleague, Ms. Fabian Mendoza can explain what we're expecting, in terms of some updates we're about to have that will provide some additional information that will fill that gap, in terms of the 20 years since the comprehensive study report.

So I'll turn it over to Ms. Fabian Mendoza.

**MS. FABIAN MENDOZA:** Thank you.

Melissa Fabian Mendoza, Director of the Environmental Risk Assessment Division for the record.

Yes, so as my colleagues have said, there is a site-wide Whiteshell ERA, Environmental Risk Assessment, that is expected to be submitted in 2022, and this will serve as a fulsome update to that 2001 comprehensive study report. And so CNSC staff do review these annual reports, as well as the site environmental risk assessments, to ensure that the public and the environment are protected and to assess the potential for further mitigation or monitoring requirements. Thank you.

**THE PRESIDENT:** Thank you. Dr. McKinnon?

**MEMBER McKINNON:** Thank you. I would like to return to the topic of the independent environmental monitoring program. I think there is a couple of points which haven't been covered in the discussion so far that were brought up by Ms. Riel

which are important.

One is the frequency of the monitoring and, you know, noting that the last one was done in 2017. And secondly, the point that was brought up that MMF would be like to be more than perhaps observers accompanying CNSC staff.

So my question is to CNSC staff, just to clarify how the independent environmental monitoring programs are managed in terms of the engagement with community members. Is it always just in the form of an accompaniment, or is this something that could be inspections in parallel, focusing on different aspects of the environment, different types of collection of information, mutual training and so on? How is that managed and, you know, what could be done to engage local community members so that the frequency could be increased?

**MS. CIANCI:** Candida Cianci for the record.

So I'll pass this question over to Ms. Sauvé to speak to how the frequency is established. It's on a cyclical nature and is risk-informed, in

terms of setting up the frequency of going to particular facilities over the course of several years at a set frequency.

So I will let her speak to that, but then also if she can provide examples of what we have done with other Indigenous communities in terms of answering your question, in terms of we have had them participate in the activities, but also provide us educational -- like a walk-through of certain areas that are of importance to them, giving us a -- sharing with us the Indigenous knowledge in terms of what species, what plants, herbs, are of importance to them. So I will let her provide that detail.

**MS. SAUVÉ:** Thank you. Kiza Sauvé for the record.

So as Ms. Cianci mentioned, it is cyclical. The important thing we want to remember about the independent environmental monitoring program is it is a snapshot in time, and it's not intended to replace the licensee's environmental monitoring. It's not intended to replace environmental inspections or other inspections that happen on site.

So I do recall when we were in the Whiteshell area for the last relicensing, there was a little bit of confusion when we talked about being there once for independent environmental monitoring. There was some talk that we had only ever been to the site once. That wasn't the case, right? We go to the site to do inspections. So we don't want to confuse those two.

When it comes to what we've done in other areas, as Ms. Cianci mentioned, near the nuclear power demonstration, so another CNL facility, we had some environmental monitors from the Algonquins of Ontario join us and we learned -- our field technicians learned so much about some of the medicinal plants in the areas. We were able to sample moss, as an example, that we hadn't done before, and we learned that it was used as a Band-Aid. Which then provided an interesting situation, because how do we then analyze and interpret those results in a meaningful way? Usually, we look at the ingestion. And so this -- so we had to look at absorption.

Another example is in the Bruce County

area we went fishing. So we hired a Saugeen member to take us fishing in their large fishing vessel. So there is lots of different opportunities, or different ways that we can work with Indigenous communities -- or the Indigenous Nation.

The other one I would add is in our discussions we also learn a lot about harvesting. So another interesting example we have is we were planning -- and I can't remember what the medicinal plant was -- but when we talked about the amount that we would need to harvest, the Indigenous Nation said, "Well, that's not sustainable. We don't want you to be harvesting that on our lands for our sampling program." We said "Excellent, we won't do that." And the suggestion was "Could you sample the hedge nearby and we could then say if the hedge is safe, we're comfortable with the medicinal plants." So these are the discussions that -- and we're learning so much when we have these discussions and when we walk the lands.

So there is opportunity in that way. Right now, the funding that exists is for their

participation in the program like that. We haven't done a training program or something further. We have had an Indigenous Nation a couple of years ago suggest that they do their own sampling program and so we started looking at, would there be a funding opportunity for that, but not directly with our program.

So does that give you the information you're looking for? Because you mentioned a few about inspections as well, and so that's not the independent environmental monitoring program.

**MEMBER McKINNON:** Right, right. No, that's clarified a lot. But listening to your answer has also made me wonder in connection with the ROR -- and I know this topic will be brought up in January in a lot more detail, so I don't really want to get into it too much. But in the current format, the reporting of the environmental impacts is very much on the basis of, you know, radionuclides and very conventional parameters or metrics, I would say.

It would seem important and very relevant to some of the Indigenous communities if this

other type of knowledge could perhaps be reported as well, you know, if it's collected and assessed. What do you do with this information then, you know, as you collect it? And how do you disseminate it back to the communities?

**MS. SAUVÉ:** Kiza Sauvé for the record.

I want to clarify. When you say collect the information, as in the results of the sampling or all of the --

**MEMBER McKINNON:** Yes, the results of the sampling. Really on the basis of the Indigenous knowledge, which is somewhat different from the way that the data is collected and reported in the current ROR format.

**MS. SAUVÉ:** Kiza Sauvé for the record.

We did learn as well in working with the Saugeen Ojibwe nation that providing a report with a whole bunch of numbers is not something that they're looking for. So we provided a high-level pamphlet, postcard, that really talks about what we collected, what we analysed, and were the results showing that it's safe or that their land is protected.

At that high level, that was something that then they could hand out to their community members. And so from that we've created a template and we're going to keep working on offering that to different Indigenous Nations and communities as a way to hand out kind of -- and then we can come in and talk about the results. With the virtual opportunities, we have a way that we can talk a lot more.

But your question also touched on how are we capturing that Indigenous knowledge? And the CNSC does have an Indigenous knowledge policy on how, if an Indigenous Nation or community provides us with that Indigenous knowledge, how we take that information and use it when we assess the Environmental Risk Assessment and when we look at the environmental compliance programs.

So we're capturing it in a way that we can then use it in the other assessments that we're doing, with the agreement of the Indigenous Nation and community, because there's that piece as well. We want to make sure we're using their information in a

way that they're comfortable with, and I believe that Ms. Cianci wants to add to finish off the answer.

**MS. CIANCI:** No, that's great.

Thanks, Ms. Sauvé.

Just tied to what you were talking about, I think maybe it would be helpful at this point in time that we ask Mr. Levine to just talk about the Indigenous knowledge policy framework that Ms. Sauvé was just referring to. The efforts we've been putting underway in terms of how to incorporate Indigenous knowledge in our regulatory review processes and activities. So I'd invite Mr. Levine to speak to that, please.

**MR. LEVINE:** Adam Levine, Team Lead for Indigenous Relations and Participant Funding, for the record.

So to add on to what my colleagues were talking about in terms Indigenous knowledge, we've been working in the past few years to develop a framework that helps create a structure for the CNSC across the board, and a consistent way of how we interact with Indigenous communities and Nations and

the knowledge they share with us. Because it is ultimately their knowledge, their world views, their wisdom, and we're very fortunate that a number of communities that we've been working with share this information with us, especially around monitoring, and we want to respect those protocols and keeping information confidential and protected when requested.

So that the framework helps to explain to CNSC staff of how we go about approaching the collection and working with Indigenous knowledge and how we go about integrating it into the different work we do. And environmental monitoring is certainly a huge area that we've been focused on over the past number of years and we can reflect it back, as Kiza was -- Ms. Sauvé was talking about, in terms of indicating in these different communication products around our monitoring of which specific species or value components were identified throughout our engagement with the communities on monitoring and which ones were included in the sampling plan. Or we can keep that information internally and just keep it for that dialogue directly with communities.

So it's really about listening and collaborating to ensure we're respecting the wishes of the communities, and then ensuring that our subject matter experts are aware of the full context and the world view that the information is provided in. So it's a work-in-progress, but we're making great strides on it so far.

**THE PRESIDENT:** Thank you. Ms. Riel, I see you'd like to add something.

**MS. RIEL:** Thank you kindly.

So what I would like to say is I agree and acknowledge that the CNSC has made significant effort to move forward, you know, to answer Mr. McKinnon's question, to be able to address the issues raised by Indigenous Nations with regard to environmental monitoring, Indigenous monitoring, those types of things.

I would just note a few things. One is that environmental monitoring and Indigenous monitoring are fundamentally different, and the sooner we move forward on a parallel process that is not the same as adding an Indigenous person to the

environmental monitoring, but rather to have a parallel process that has Indigenous monitors participating in environmental monitoring, the better off this process will be.

So it's really challenging from the Indigenous Nation's perspective, because what often what happens, and meaning no disrespect to the CNSC and/or to CNL for this purpose, but it's not as simple as having an Indigenous person doing the monitoring. It's about a process and the relationship between the Indigenous Nation, the Métis Government, whatever the case may be in this situation, and the CNSC or the proponent, that ensures that the eyes and ears that are participating in that process, that that reporting back it going to the Nation. That, you know, all of these components of what is a very robust plan, are being shared with the Nations in a way that makes sense to them.

I appreciate and acknowledge Ms. Sauvé's comments with regard to producing documents that are useful to the Nations. Couldn't agree more. I think the challenge becomes if we go back to the

comment about the comprehensive report, the world has changed in 20 years. Frankly, the world has changed since I first appeared before the CNSC.

And one of the key concerns of this process has been that, while folks are doing their very best to keep up, the programs within the CNSC's regulatory framework have not quite gotten there yet. And so, I would just really encourage that while I'm not suggesting that nothing is happening, I'm not suggesting that nothing positive is happening. What I'm suggesting is not enough is happening.

And I recognize that everyone is working to the best of their abilities. It's not in any way, shape, or form a suggestion that people aren't. Only just that the Indigenous Nations, you know, back 20 years ago when those documents were drafted, or when the original EA was taking place, or when the frameworks for environmental monitoring were created, the Indigenous Nations were not included at that time. Certainly, the MMF wasn't included at that time.

It's only been very recently that

we've been able to say that when the environmental monitors are on the ground in 2017 even, that these processes have been in place. Inspections aside, what I'm suggesting is that we need to find a more collaborative approach so that the CNSC, CNL, and the Indigenous Nations are seeing the same thing at the same time, because what I would encourage you to understand is what they're seeing looks different. You can all be standing therein the same spot and see four different things.

What I'm suggesting is that the reports only seem to reflect, for whatever reason, what the CNSC is seeing. And I would just really encourage that we begin to acknowledge that and move forward in a way that addresses that issue. Thank you.

**THE PRESIDENT:** Thank you.

Dr. Berube?

**MEMBER BERUBE:** Thank you for your presentation and taking the time to see us. Also I particularly like the background that you have there. I would like one like that myself (laughing). At this

stage I have snow in my background so I would rather have yours.

One of the questions that -- the recurring themes here actually, not just through your presentation but also a number of other intervenors that we've seen through this process, is the question of remote inspection methodology and how valid is that. So my question goes to the CNSC.

Talk to us about the remote inspection methodologies that's employed. Let's use Whiteshell Labs as a frame of reference, but I think it's exportable probably to most sites. And if you could just run us through that process, what have you done with it? How do you actually verify and validate that this is okay? Because I think that's important to me and it's important to everybody else too.

**MS. CIANCI:** Candida Cianci for the record.

So I can certainly start with Whiteshell, but I will have to sort of nuance that no remote inspections were possible in the calendar year 2020 due to the COVID-19 pandemic and the

restrictions. It certainly wasn't possible for us to travel to Manitoba from our current locations. When it was safe to do so, we did. Where we --

**MEMBER BERUBE:** Let me correct that before you go too far.

**MS. CIANCI:** Go ahead.

**MEMBER BERUBE:** What I went by remote was online inspections.

**MS. CIANCI:** Ohm okay. Fair enough. Thank you.

So what we have -- after or once the COVID pandemic hit, we quickly mobilized in terms of updating our strategy. You have heard from our nuclear substances regulations colleagues earlier this week, in terms of the strategy that was developed. It's very consistent with what we carried out in the fuel cycle program, in terms of updating what is our strategy, determining the criteria for when does it make sense to do remote inspection or to leverage the other compliance verification activities that we carry out consistently and that are good performance indicators in terms of carrying out desktop reviews of

annual compliance reports, technical submissions that we receive from licensees, as well as continuing to monitor reported events. So that regulatory oversight continued.

And then we also added on remote inspections as another avenue or mechanism that we could use.

We found those to be beneficial and effective in certain circumstances. I won't say all. They're not ideal for all cases. Certainly not in the case where we need to physically observe things, such as project milestones like the installation of a liner or a cover, or in the case of security, physically observing infrastructure and equipment. But they have been ideal in terms of leveraging document reviews and putting a lot of rigour and deep dive into those.

So while we were not able to observe certain things with our eyes, it was certainly leveraged in terms of reviewing more documents than we perhaps typically did in the past, having a larger scope of our inspection to sort of compensate for the fact that we couldn't go on site. We certainly

leveraged having online meetings and interviews with licensees. We asked for a lot of photographs to supplement the interviews.

So I don't know if that answers your question. I can stop there. I can also provide more detail if you need.

**MEMBER BERUBE:** Actually, we have to drill into this, because validity is a big deal in terms of what's been happening in the last year with Covid. So let's go into this. I've seen drone footage. I've seen some other ways of actually trying to get -- to compensate for not being on the ground. But let's get into specifics of what you've been doing and how that makes sense and how it's okay.

**MS. CIANCI:** Sure. So it certainly, as I said earlier -- sorry, Candida Cianci for the record.

We carried on our regular other compliance verification activities, so we're able to verify through our annual compliance reports as well as event reports, making sure that licensees have corrective actions in place when it comes to a

reportable event, that we're doing a detailed review of compliance reports as well.

When it came to carrying out remote inspections, it was with respect to, is it going to be as effective? Can we be observing the same things if we do, as I said, carrying out interviews, receiving photographs? So we certainly found that it was just as effective in certain instances, like I said, not for all. And as I said, it did provide greater rigour in certain areas.

Like we were able to do larger inspection scopes than we would have in the past if we were on site, because in the past, pre-pandemic, our inspections were limited to a few days. We found with remote inspections we could have more time to do document reviews. So we asked for a larger scope in those instances, had a lot more detailed compliance matrices, which is looking a lot more of the regulatory requirements and expectations.

So deeper dive in a sense that the scope was larger, the extensive reviews were -- they were more extensive, excuse me, to make sure that we

were looking at things, with the recognition that not everything was possible. So there was always the understanding with CNL that when it was safe to do so and go on site, we would observe the things we weren't capable of observing. There are some limitations to remote inspections in that there's limitations in the systems that can be used to share information and the sharing of protected documentation. So we have certainly found that a challenge.

But we were able to overcome in the sense that we could do interviews and observations still. Like, those aspects of an inspection were still possible.

**THE PRESIDENT:** Well, let's move on to Dr. Lacroix.

**MEMBER LACROIX:** Thank you. Well, all my questions have been answered and my concerns dispelled.

However, I do have a snap question for Ms. Riel. If I'm not mistaken, the second slide shows a picture of the Chalk River site. And I'm wondering, is there a connection between MMF and the Chalk River

installations?

**MS. RIEL:** Thank you very kindly for that question.

So what I would suggest is -- so there are two things at play here. One, the agreement between the MMF and Canada specifically recognizes the MMF as the government of the Red River Métis. Which means that if you think back to previous interventions that I've provided and I've suggested the size and scope of the homeland of the Métis Nation, the agreement with Canada indicates that the MMF is the government of all those who trace our ancestry to the original Red River settlement.

So all of those Métis Nation citizens who have that ancestry. Without going into details around everything else --

**MEMBER LACROIX:** Yeah, yeah. I understand. Yeah, that's great.

**MS. RIEL:** Perfect. Thank you.

**MEMBER LACROIX:** Thank you very much.

**THE PRESIDENT:** Thank you.

Dr. Demeter?

**MEMBER DEMETER:** Thank you for the intervention, Ms. Riel. I envy where you are because I'm in Winnipeg with the weather that we have, the icy roads.

I'm going to ask CNL a question and it's related to -- the background is staff slide deck 29 and it was referred to in the intervenors about the plutonium.

When I look at this slide it is below release limits for uranium, plutonium, three isotopes, americium, strontium, and cesium, and they're in the range of sort of 10 to 100 mega Becquerels of release per year, which is a small amount. But these all look like fission or spent fuel products. And I'm wondering from CNL's point of view, what is the source of this release? Is it from the reactor core or is it from other source? And then depending on the source, I'll have a follow-up question.

**MR. BOYLE:** This is Phil Boyle for the record.

I think there are two people who can contribute to your question, Dr. Demeter. One is

George Dolinar, our Director for Environmental Services, and the other John Gilbert, whom you have heard from, is the General Manager at Whiteshell.

So John, let's start with you and then I think George can add a few more details.

**MR. GILBERT:** Thank you. This is John Gilbert once again for the record.

As we look at the monitoring protocol, previous to 2016 we measured gross alpha as a metric for all alpha emitting radionuclides, so uranium, plutonium, americium, and then in the 2016 derived release limit value for alpha was significantly lowered at that time, based on the most toxic radionuclides, and in this case that's plutonium 239/240. So therefore, that's what we actually needed to measure and try to find.

What we have observed since then, you know, since we started monitoring for Pu, we've never actually detected it as I've been told, as I understand it. When we do not detect a contaminant, we use the detection value, times the total volume of discharge vol per month and that's how we calculate

our detection limits. So they're actually as low as actually possible --

**MEMBER DEMETER:** I don't want to go down a rabbit hole here. Maybe I'll frame my question more clearly. I specifically want to know the source for these contaminants. Where is this coming from? Is it a holding tank? Is it a lab? Is it the reactor core? That's really what I want to know, not the evolution of how you're measuring it or the release limits, but what is the source for these contaminants? And that helps me understand possible future implications.

**MR. GILBERT:** Sure. Understood.

So I think, you know, obviously there's a few different sources of radioactivity naturally occurring, the fallout, and then what we've got coming off the site. And those two sources off the site are liquid or air effluent. Right now, you know, as we monitor it coming off the site, basically what we see is, are those components coming from the liquid effluent? They can be historic in nature throughout the piping systems that we've had on site

through the operations of the plant over the past 50 years. Historic releases down the drain systems, etcetera.

So that's probably the best answer I can give you. I don't know if we can pinpoint exactly the source of those, but what we have done is some significant investigation on the old piping systems that we've had on site.

**MR. BOYLE:** I think George Dolinar could add more insight, Dr. Demeter, to help you understand the response to your direct question, where is this coming from? George, can you comment?

**MR. DOLINAR:** For the record, George Dolinar, Corporate Director Environmental Services for CNL. Maybe I'm just going to reiterate a little bit about what John Gilbert just provided. But I'll lead with that, you know, all of these releases that we're talking about here are far below the DRL, or regulatory limits. So that's sort of the starting point.

I think as John indicated, there is three potential sources. I'm not going to get into

it -- because I won't have this at my fingertips, parsing into these three bins. The basic three bins of sources are sort of, natural materials on the Whiteshell site contribute, so this is rocks and minerals, things of that nature. There's also still an element of bomb fallout, mostly related to things like cesium, for example. So cesium has a 30-year half life. Often we associate tritium with bomb fallout. Most of that tritium has moved through the system. It has a shorter half life and more mobile, but we still pick up cesium-137 as a result of bomb fallout.

And the third bin is related to the ongoing operations and past legacy practices at Whiteshell. If you were going to ask me, Commissioner Demeter, about the breakdown in those three bins I'd have to, you know, look at that for a bit and get back to the Commission at some point later. But those are the approximate three bins.

The other thing I'll comment on, and I think John provided this information, and that's with respect to plutonium that's been observed. I position

that as artifact of monitoring as opposed to a real result. So you sort of get caught in this situation where you get a minimum detectable activity, after you've taken a sample, done some analysis, we report the minimal detectable activity as a reference for those isotopes. I hope that helps.

**MEMBER DEMETER:** It does, and I think in the future we'll have more discussions about whether or not there's any contribution from the core itself. I think for now that's good. Thank you.

**THE PRESIDENT:** Thank you very much. I think I've gone through all Commission members.

Ms. Riel, thank you very much for your intervention. We are ready to move to our next submission, which is from the Kebaowek First Nation as outlined in CMD 21-M32.6 and 21-M32.6A. I understand that Ms. Rosanne Van Schie will be presenting this submission.

Ms. Van Schie, over to you, please.

**\*CMD 21-M32.6/21-M32.6A**

**Oral presentation by Kebaowek First Nation**

**MS. VAN SCHIE:** Good afternoon, Madame Velshi and fellow Commissioners. Nice to see you. I am joined today by Verna McGregor. Actually, if you don't mind, I'll get Verna to do an opening for us for the session.

**MS. MCGREGOR:** (Ojibwe spoken) I'm just doing a little quick opening. I'm from Kebaowek Anishinaabe, and I would like to welcome you to our traditional unceded lands. I'm just going to say a little prayer, because we are also praying for the well-being of the next Seven Generations and Mother Earth, and especially during the times that we're in. I say miigwech. (Ojibwe spoken)

I am quickly thanking the creator for allowing us to come together here and please guide us well in the decisions that we make, because it is also involving the next generation, seven generations. Thank you for the earth, the water, the air, and the fire, the four elements necessary for life here.

We don't ask things in vain, and we ask that you guide us well in this discussion on nuclear. Miigwech. I say miigwech four times to honour the four directions, the four seasons, four stages of our life. Miigwech.

Back to you, Rosanne.

**MS. VAN SCHIE:** Miigwech, Verna. We appreciate that opening prayer.

Today I'm here to present for Kebaowek First Nation, Chief Haymond sends his regrets. He's in another meeting in Montréal. So it's to speak to the Canadian Nuclear Safety Commission regarding the regulatory oversight report for Canadian Nuclear Laboratories.

If the Commission could change to the next slide, please?

So we're here today mainly to speak to the Chalk River Laboratories located on Algonquin Anishinaabe traditional territories, so we appreciate this opportunity to raise issues and concerns around safety and performance of this site that is licensed to Canadian Nuclear Laboratories by the CNSC.

Once again, this is located on unceded Algonquin Anishinaabe Nation lands within the Kitchi-sipi watershed.

Next slide. And I believe Verna will speak to the Algonquin Nation topic.

**MS. MCGREGOR:** Miigwech, Rosanne.

Verna on record, Verna McGregor. The traditional territory of the Algonquin Nation includes the entire Ottawa River watershed straddled between Québec and Ontario. I always mention we've been here since time immemorial and we're one of the first to meet also the newcomers for our lands here.

So Algonquins -- and we've never relinquished our rights or title to our traditional lands as Anishinaabek or (Ojibwe spoken) as we are known, which is the nomads, where we once also travelled through the watershed freely, unencumbered, like we are today. And again too, as well we never signed Treaty. So again, also adhering to this Royal Proclamation of 1763.

Next, please.

So we are a Nation of waterways. I

would say (Ojibwe spoken) meaning our clan system was based on the watershed and the Nation is organized around the Ottawa River Basin, the Algonquin heartland being the entire length of the Kichi-sipi, literally which means, river, from its headquarters in north central Québec to the sacred site of Bird Rock, which they call Oiseau Rock, across from the Chald River, which is a very sacred site to us too, because it's tied also to our creation stories.

The Chaudire Falls, Akikodjiwan, and in Ottawa to its outlet near Montreal. There is also too as well, the other sacred site, we see it as Meridian Point really, the other meridian point is the is the Mazinaw Lake, which they call Bon Echo, because you have the petroglyphs there which have been there for thousands of years. So and again, because of colonization, we have also not been allowed to honour our sacred sites even more so, Oiseau Rock being across from Chalk River.

Back to you, Rosanne.

**MS. VAN SCHIE:** Thank you, Verna.

Next slide, please.

The 2020 Regulatory Oversight Report provides that "CNL continues work on the proposal to construct and operate a near surface disposal facility" at the site and the ROR also states that Global First Power is proposing a small modular reactor, SMR, at the site.

Kebaowek First Nation remains concerned about the continued lack of open discussion over how the CNSC deemed the CNL EIS complete for the NSDF. And I know the Regulatory Oversight Report speaks to -- that this subject will not be further discussed in terms of regulatory matters. But we still remain of the position that CNL has not completed land use and occupancy or social, cultural, economic assessment studies with Kebaowek First Nation, as required under section 67 of the *Canadian Environmental Assessment Act* of 2012, of which that particular project proposal is subject to.

And the CNSC has further moved ahead scheduling a two-part hearing for this project February 22nd and May 31st, in advance of this work being completed by the community. So that's just a

point we wanted to raise relative to mention of that in the ROR.

As well, we maintain that the Commission's approval of the EIS guidelines for the scope of the assessment of the Global First Power first-of-a-kind small modular reactor at the site, on Algonquin territory, must be revisited and include scoping review and revisions by both Kebaowek First Nation and the Algonquin Anishinaabeg Nation tribal council members who were excluded from contributing to the guidelines.

Next slide.

We're also raising this concern or question as to whether or not Canadian Nuclear Laboratories is approving its own nuclear projects at the site. During the period from November 2020 to March 2021, numerous waste-related projects were posted on the federal Impact Assessment Registry under section 82 of the *Impact Assessment Act* -- sorry, it could be section 81 -- with very little information other than the following headings, to describe this long list of projects, including intermediate level

waste storage.

If we could look at the next slide, it's a continuation of the project list, please.

So Kebaowek would like to raise concerns today that they were not consulted on any of these Chalk River Laboratory projects mentioned. We're further concerned that for each of these projects, a Notice of Determination has now been issued by Canadian Nuclear Laboratories.

The ROR, in our opinion, should clarify that AECL and not CNL is the federal authority responsible for making these determinations as to whether these projects have significant environmental and social, cultural impacts to rights and title holders.

Next slide, please.

So we have a number of questions for the Commission today, and our main question is how does CNL, a privately-owned company with foreign interests, determine that this long list of project activities carried out on federal lands won't cause significant adverse environmental effects and impacts

on both Canadians and Algonquin Aboriginal rights and title holders?

This CNL approval process raises a number of questions by KFN and other intervenors. Why are none of these projects mentioned in the 2020 ROR?

Kebaowek requests a description of the current plans for these projects in the project list and an overview of CNL's analysis and Indigenous consultation plan for determining or having determined that they're not likely to cause significant adverse environmental effects or impacts to the rights holders.

Next slide, please.

We would also like to know if the Commission receives notice of these projects, and are the CNL determinations provided to the Commission? And has the Commission weighed in on any of these projects before the determination was made? And how the Commission safeguards against conflicts caused by the proponent as a licensee also being a decision-maker for these undesignated projects at the site.

Next slide, please.

So Verna spoke briefly to the Royal Proclamation of 1763 issued by Britain's King George III and the instructions of Governor Murray.

Since that time, there's been a history of lack of consultation on different take-ups of lands and different projects on Algonquin traditional territory, and this includes Chalk River nuclear projects.

There's a number of cumulative effects to the territory because this consultation hasn't been formalized or consultation practices haven't been formalized or communities are always left to the sidelines. So once again that project list that was on the Impact Assessment Agency of Canada's registry and the fact that the community, and possibly communities, have not been consulted within the Algonquin Nation is a strong concern that we wanted to raise today.

Next slide, please.

I'll let Verna speak to this one.

Thank you, Verna.

**MS. MCGREGOR:** It's Verna speaking,  
for the record.

Kebaowek exercises historical and contemporary land use and occupancy on our territory, as do other Algonquin First Nations in the area. We have cultural knowledge of our lands and waterways that supports sustainability of our resources and our future needs. We want to protect our section 35 interests for future generations.

Just really quickly, too, as well, I was listening earlier about traditional plants and monitoring but also, too, as well for us to fish, which is such an important role, but it also -- traditionally, too, as well it guides our Constitution, which is very different to the Canadian *Constitution*, which involves the caretaking of the land.

Next, please.

The duty of care. Again, concerned about the health and well-being of the present and future generations. We also have our sacred items, most notably our wampum belts, which were swept aside

with this colonization which deals with our governance, which takes into account always this concern and the need for precaution as we move forward and the need for multi-jurisdictional collaboration because everybody is also impacted because water does not discriminate, nor does the air. That's why we pay honour to the four directions and the four elements necessary for life.

KFN supports the submission of the concerned citizens, also, of Renfrew that was submitted, I believe.

Next, please.

Again, our Indigenous world views and knowledge and the CRL. Wessel Rock is a rockface that rises 100 metres above the Kitchi sibi across from Chalk River Laboratories on the north side of the river. It is recognized as a sacred site by our peoples.

We've had visits in the past, but again, too, as well, it is very hindering in terms of trying to access our sacred areas in order to also practise our traditional religious freedom really,

too, under the Constitution.

KFN asks the CNSC why is there no mention in the 2020 ROR of CNL's role in the implementation of the Federal Nuclear Science and Technology Work Plan promoting Chalk River Laboratories as Canada's largest science and technology complex? Again, "to contribute to the government's health, science, innovation and climate change objectives."

I always question, too, as well, "Well, where are the rights of Indigenous people?".

KFN recommends that CNL's role in the implementation of this plan be readdressed by CNSC on KFN's behalf in the context of inclusion of Indigenous history, worldviews and knowledge exchange regarding the Chalk River Laboratories and its location on Algonquin traditional lands and waterways.

Next, please.

Again, too, as well the obligation of the Nation to Nation relationships. Governments continually suggest Aboriginal capacity building. What is government's capacity to really consult with

First Nations peoples in a Nation to Nation context?

In Canada, the duty to consult and accommodate with Aboriginal peoples arises from the Crown -- when the Crown contemplates actions or decisions that may affect an Aboriginal person's Aboriginal or Treaty rights.

This duty flows from the honour of the Crown and a fiduciary relationship with Indigenous peoples which can give rise to a fiduciary duty to Indigenous people.

We know from the history of Chalk River Laboratories that this duty is not honoured. We understand the current government wants to change this history and develop a meaningful Nation to Nation relationship, which was originally the intent of also the Treaties, the peace and friendship Treaties included.

I'll pass this back to Rosanne.

**MS. VAN SCHIE:** Miigwech, Verna.

Next slide, please.

I just wanted to talk a bit about the historic issues in the current context of the work

we're doing now moving towards more protocols for Indigenous consultation and engagement that we have been working on with Commission staff and also reaching out to the Ministry of Natural Resources and the Minister there.

We have, as I've stated in previous interventions, questioned the most recent licensing of the Chalk River site because the only consultation that occurred was with the Algonquins of Ontario and the Métis Nation of Ontario. And I'm glad one of the Commissioners asked the question about how the Red River Métis' ancestry connects to the Chalk River site. That's something we would like to engage the Commission in further in terms of who are the parties you're consulting and for what reasons.

KFN does not endorse, accept or acknowledge any claims to any Aboriginal or Treaty rights made by the Algonquins of Ontario or any members of AOO. The community does not agree with the commercialization of nuclear waste disposal as part of the CNL licence. And the community and Nation are really especially concerned with groundwater and

aquatic issues related to historic and proposed nuclear waste site development.

Next slide, please.

In terms of nuclear waste management, the 2020 ROR provides one-sentence descriptions of site-specific waste management activities completed at the CNL sites listed there. The ROR does not describe the type of waste that it intends to dispose at each site in adequate detail, nor does it describe the specific steps taken to prevent unreasonable risk to the environment and human health.

This level of depth is insufficient. Kebaowek recommends that a detailed overview of waste management activities is undertaken at the site and included in the ROR.

Next slide, please.

Some of the photographs are missing from the slide presentation here. I'm not sure why they're not showing up. But there was a diagram of an integrated waste strategy there.

I don't know if you have a paper copy of this as well with you, the Commissioners, or are we

relying on this screen?

**THE PRESIDENT:** We have the one with the map that shows the sites.

**MS. VAN SCHIE:** Perfect. Thank you. I don't have it on the screen here, but.

The 2020 ROR makes no mention of -- oh, sorry -- of CNL's Integrated Waste Strategy, which lays out a plan to dispose of CNL managed low-level waste at Chalk River and to transfer CNL managed intermediate level waste and high-level waste from other sites to Chalk River for storage until final disposal is available.

Since the strategy represents a radical departure from radioactive waste practices and strategies previously espoused by AECL, KFN would like to have a discussion on the integrated waste strategy and the consideration of high, intermediate and low-level waste at CRL to be included in the ROR.

Next slide, please.

Another concern on the territory is nuclear waste transportation. The 2020 ROR makes no mention of the extensive transport of radioactive

materials that has been and continues to be and will be taking place in the future on Algonquin Anishinaabeg lands and highways in order to achieve -- or rail. We're not sure what the transportation plans are to achieve the aforementioned consolidation of radioactive waste at Chalk River Laboratories.

The Canadian Environmental Law Association notes at the Environmental Stewardship Council virtual meeting on October 21st, 2021, that CNL said that it plans to start the Whiteshell high level waste shipments next summer.

Since there are increased risks associated with the transportation of radioactive waste, increased possibilities for radiation exposures and increased risks of transportation accidents, the ROR should provide an update on the status of CNL's waste transfer activities and specifically state that the high-level waste transfer from Whiteshell to CRL will begin, actually, in summer 2022.

The transfer of wastes is critical to the CNSC's oversight as Canada's nuclear safety regulator. The ROR provides an opportunity for the

CNSC to consider issues like waste transfers and the licensing of the casks in which these transfers occur.

This is a matter of significant Algonquin Anishinaabeg public concern along the Ottawa River watershed and on all of Anishinaabeg traditional territory. I know there's Iroquois Anishinaabe Nation Nuclear Alliance as well, and this topic comes up quite a bit as an area of concern straight across all the watersheds from the Great Lakes through to Ottawa and into the St. Lawrence.

Next slide, please.

Radionuclide reporting. Kebaowek recommends that the ROR 2020 addresses radionuclide data that should be reportable and accessible on Canada's National Pollutant Release Inventory, NPRI, in a similar manner as pollutants currently reported.

Next slide, please.

I don't have a copy of the leaking waste diagram here, but I did see it in a webinar that was hosted in Montréal earlier this fall. Ole Hendrikson made a presentation to the Sierra Club, and that's where I first saw it and became aware and

brought it to the attention of the community who requests that the 2020 ROR addresses the Chalk River leaking waste areas and contaminants currently on site. It is unclear to Kebaowek what remediation is in progress and what is the contaminant load in the Ottawa River.

Next slide, please.

This is becoming a big subject across our country after witnessing the devastation in British Columbia recently, how we're going to consider these large and extreme climate events in the context of these proposed and existing developments.

It's evident climate impacts are becoming more frequent and pronounced. Kebaowek urges the CNSC to discuss climate change in the context of licensee oversight because of the major safety and environmental issues that climate change events pose to operations and the watershed and people.

Kebaowek submits oversight of potential climate impacts is within the purview of the CNSC's review because of both the CNSC and Algonquin Nation's responsibility to protect the environment

from unintended radioactive releases.

Catastrophic weather events are becoming more frequent -- I said that already -- and Kebaowek, like other intervenors, recommend that the CNSC review the climate resiliency of licensees as part of their Regulatory Oversight Reporting and ask that the Commission direct CNSC Staff to include this in future RORs.

Next slide, please.

Thank you to the CNSC, thank you, Madam Chair and Commissioners for helping us expand this dialogue today and into the future.

We look forward to your questions.

**THE PRESIDENT:** Thank you very much, Ms. Van Schie and Ms. McGregor, for your presentation.

Let's start with Ms. Maharaj for questions, please.

**MEMBER MAHARAJ:** Thank you, Madam Velshi, and thank you for your presentation.

I think the thing that struck me most in listening to your presentation is the strong underlying tone that the Kebaowek First Nation has not

been consulted and has valid concerns.

So I'd like to ask staff to clarify why it is that the Kebaowek First Nation seems to be missed in the consultation with respect to the Chalk River Labs and the activities that are going ahead in their traditional territory.

**MS. CIANCI:** Candida Cianci, for the record.

So I'll ask Mr. Levine to speak to the efforts that have been ongoing over the course of the past few years to engage Kebaowek First Nation and also just to provide indication of our last meeting with them on November 5th, if you can, Mr. Levine.

**MR. LEVINE:** Thanks. Adam Levine, for the record.

With regard to all of the ongoing activities at Chalk River and the territory of interest to Kebaowek First Nation, we have been reaching out and working to engage with Kebaowek since 2016 and probably earlier as well. And what we've been doing is ensuring that they continually have all the information about the opportunities to get

involved in the different consultation engagement processes in relation to the environmental assessment processes, including opportunities to apply for participant funding, meet with us to develop terms of reference for consultation on the different projects, to gather traditional knowledge and participate with us in the different review processes.

We've had some ongoing dialogue back and forth. There was a period of time when Kebaowek First Nation's preference was to work directly through Natural Resources Canada and the Minister of Natural Resources and, more recently, they've come back to working with us directly, which we really appreciate. And we just had a meeting recently, as Ms. Cianci laid out, where we met with Rosanne and some of their legal team to start talking about what a consultation agreement could look like for the ongoing projects to ensure that we have a meaningful arrangement to do collaborative consultation and engagement on these important files.

So it's always been our intent to fully include Kebaowek First Nation in these different

projects and the consultation process, and we're really happy to see that KFN is now there with us to have a meaningful engagement and consultation process moving forward. Thank you.

**THE PRESIDENT:** Thank you.

Dr. McKinnon.

**MEMBER MCKINNON:** Thank you for the intervention. There were many interesting points raised.

The one I would like to pursue is the absence in the ROR of any discussion of CNL's integrated waste strategy. And my question will be for CNL.

I actually had a look at this document because it's available on CNL's website, and I found it a very useful high-level context document for the various projects.

My question is this -- again, it's for CNL. Since this does involve a strategic roadmap of major activities related to waste management, when does the dialogue between the various stakeholders begin such as between yourselves, CNSC, Indigenous

communities, the public, and do these engagements influence the roadmap?

**MR. BOYLE:** This is Phil Boyle, for the record.

I think there are a number of people here who could comment on that, Mr. McKinnon, and help out.

Let me start with our Director of Communications. Pat Quinn, can you comment in response to Mr. McKinnon's question?

**MR. QUINN:** Good afternoon. Pat Quinn, for the record. I'm Director of Corporate Communications for Canadian Nuclear Laboratories.

Thank you, Commissioner, for the question.

With respect to when does conversation begin with Indigenous communities and various stakeholders on certain matters, for example, like the integrated waste strategy, that occurs in a variety of arenas. In particular, as you pointed out, this is general information that can be found on our external website where we provide the information. Individuals

can reach back to us through our external website for additional information.

Also, though, we have other opportunities to talk to other stakeholders in the sense that we have our mechanisms like the Environmental Stewardship Council and a similar group at our Whiteshell Laboratory where this would be a topic for discussion presented by a subject matter expert where we would invite questions, explore the concepts, hear concerns and actually get good feedback on such an initiative.

Then with respect to Indigenous communities, we have, I think, a variety of relationships with numerous Indigenous communities where we do business. And so, in some cases we have opportunities to directly discuss with them certain -- like, if there's an interest in integrated waste strategy, that door is open. However, most interest has been in our project space over the last several years. Integrated waste strategy could come up in the periphery of those discussions, however, that opportunities exist.

Furthermore, really, it's like everything, we're open and transparent. So if there's a specific interest from a community such as the Kebaowek First Nation, we are definitely available to provide an overview, have a discussion about the strategy, and the aspects related to that strategy.

**THE PRESIDENT:** Maybe I'll ask a follow-up question to staff on that, as to why there is no mention of this integrated waste strategy in the ROR, and should there be?

**MEMBER MCKINNON:** Yes.

**MS. CIANCI:** Candida Cianci for the record.

So as CNL was just describing and Dr. McKinnon as well, it's a guiding document for CNL in terms of the strategic approach that they're taking to waste management for CNL sites. It is referenced in the preamble of our Licence Condition Handbook for CNL, but it's not a compliance verification criteria. So it's not referenced in the ROR, because the ROR -- or the scope of the ROR, is to cover staff's evaluation of licensee's performance with regulatory

requirements, and this is a guiding document for CNL.

**THE PRESIDENT:** Thank you very much.

Dr. Berube?

**MEMBER BERUBE:** Yes. Thank you very much for your presentation, KFN, and I believe MFF, and a number of other intervenors have talked about the idea of waste transportation.

So my question is for CNSC. When route selection is done here for waste transportation, is there any consideration given to sensitive harvesting areas as that transportation is being done, with regard to the local Indigenous Nations or Indigenous communities? Could you give me some sense of how that's done? Is I'm sure that the CNL has to advise you as to when the shipments are going and where they're going, but do you actually go through the route selection and determine whether or not there's any potential chance for harm to sensitive harvesting areas?

**MS. CIANCI:** Candida Cianci for the record. I'll pass the question to our transportation specialist to talk about how routes are selected.

**MR. LEMOINE:** Eric Lemoine, for the record. I'm the Director of Transport Licensing and Strategic Support.

So the packaging and transport of nuclear substance regulations and the transport of dangerous goods regulations do not establish any routeing requirements. The basic premise of transport is that the safety relies heavily on the design of the package. The design requirements of the package are commensurate with the risk posed by the material being transported, with high-risk material requiring more robust packaging.

It's important there's a little bit of a caveat here where we don't specifically get into the routing requirements. But for a material that is more security sensitive, which was defined in the Nuclear Security Regulations Category 1, 2, and 3 material, there is risk assessments, threat assessments that need to be completed by the CNSC, but they are not part of necessarily determining the routeing requirements.

This being said, we're definitely open

to explaining, you know, how design requirements for packages are -- how those requirements are met by CNL, for example. And it doesn't -- the regulations do not preclude the proponent discussing and having these discussions with stakeholders and Indigenous groups in the area or along those routes, as long as that threshold for prescribed information is not crossed. So prescribed information would be associated with any sort of security sensitive -- security materials that are categorized 1, 2, or 3 secured material.

**THE PRESIDENT:** Thank you.

Dr. Lacroix?

**MEMBER LACROIX:** This is a question for CNL. This is a quick question and it's a follow-up from Dr. McKinnon's question.

I was wondering, will CNL's integrated waste strategy be put in perspective in the upcoming NSDF licence application?

**MR. BOYLE:** Phil Boyle for the record.

I would like Sarah Brewer, our Director for Safety Licensing and Engineering to comment on that. She is very familiar with the

integrated waste strategy. Sarah?

**MS. BREWER:** Good afternoon. Sarah Brewer for the record.

I'd like to confirm that the integrated waste strategy is not a component of Chalk River licensing basis. It is a guiding document. It considers current and future waste management requirements, and really, it's a strategy that enables us to integrate and plan for waste management activities across all sites.

So, yes, it is a key aspect of how CNL manages waste, but with respect to it being an aspect of the licensing decision, I don't think that it would be included in the licence decision because it is not a component of the licensing basis.

As mentioned, the document is available on our public website, and we are also in the midst of revising it with a plan to issue in early 2023, and so we will be engaging both publicly and with Indigenous communities.

I would also like to clarify that 90 percent of the waste destined for NSDF is already

located at the Chalk River site.

**MEMBER LACROIX:** Okay. Thank you, thank you. I will connect the dots myself. Thank you.

**THE PRESIDENT:** Dr. Demeter?

**MEMBER DEMETER:** Just a quick question for CNL based on the issues raised with transportation.

I know based on previous discussions that all of the -- there's been repatriation of all of the materials from the NRU to the U.S., to Savannah. Is there an anticipation that there would be repatriation of any other enriched sources or spent fuel sources beyond that, or anything else that remains in Canada that may be originally from an enriched source will stay in Canada with Chalk River being the primary site?

**MR. BOYLE:** So this is Phil Boyle again for the record.

I think Sarah can comment on that also, Dr. Demeter. Sarah?

**MS. BREWER:** Sarah Brewer for the

record.

So that's correct, with the competition of the fuel and target residue material repatriation campaigns in 2019 and 2020, CNL has safely repatriated 90 percent of eligible HEU materials. We do have a plan to repatriate the final 2 percent of what's remaining over the next few years. But in alignment with international commitments and CNL's integrated waste strategy, we are actively pursuing other repatriation opportunities. Repatriation opportunities of unirradiated material, and there's very few shipments associated with that.

As per all of our campaigns, transportation activities will prioritize safety and security and be fully aligned with the regulations established by the CNSC and Transport Canada.

**MEMBER DEMETER:** Okay. Thank you.

**THE PRESIDENT:** Thank you.

Mr. Kahgee?

**MEMBER KAHGEE:** Thank you, President Velshi.

My question will be for CNSC. First

let me say chi miigwech to Kebaowek for their presentation, and chi miigwech to Mother McGregor for sharing and opening us in a good way.

I just want to pull on a thread a bit, Ms. Mahraj raised with respect to the engagement. I'm hearing that there has been ongoing efforts and things are starting to improve, and including moving towards, perhaps formalization of some type of agreement or protocol.

I guess my question is, is there also going to be coordination across different federal departments and agencies including the AECL, NRCAN, and Indigenous Affairs, given the concerns that Québec has also raised not only in the past and current, but also the future concerns at this site?

**MS. CIANCI:** Candida Cianci for the record.

So I will ask Mr. Levine to speak to what our efforts are in communicating and collaborating with other federal partners when it comes to engaging and consulting with Indigenous communities.

**MR. LEVINE:** Thank you. Adam Levine for the record.

Yes, so for any process where we are the lead Crown agency consulting, for example, for these environmental assessments ongoing at the Chalk River site, we always coordinate with other Crown entities, as the Crown Consultation Coordinator. And for example, with AECL we meet on a regular basis to share information about the consultation activities that we're doing, hearing what AECL is doing and inviting them along to our meetings and engagements, and ensuring that any concerns that are raised that are outside of the CNSC's purview are passed on to AECL, or the appropriate Crown authority.

So it's a really important part of our consultation work and we always ensure there is that constant communication, and also ensure there is follow-up with regards to the concerns raised and that KFN and other Indigenous Nations and communities get the answers and responses they need from all Crown actors with regards to these projects and activities.

**MEMBER KAHGEE:** Miigwech. And if I

can, President Velshi, just one more quick question? This is going back to and earlier discussion with the previous intervenor on Indigenous knowledge. I just want to pick up a little bit on that because I think it's relevant here, the Kebaowek's intervention, as well as the other interventions.

CNSC indicated there's an Indigenous policy framework that they've developed. Is there a plan to engage and solicit input from Indigenous communities and Nations on that policy going forward, including from those communities and Nations that intervened today?

**MS. CIANCI:** Candida Cianci for the record.

So my understanding is it has been shared with Indigenous communities for input, but I will let Mr. Levine fill in with the details.

**MR. LEVINE:** Yes, thank you. Adam Levine, for the record.

So our Indigenous knowledge policy framework was developed over the last two years and is modelled off of the draft federal Indigenous knowledge

policy framework, which included extensive workshops with Indigenous Nations and communities and representatives across the country. But in terms of our specific framework, yes, absolutely. Once we drafted our framework, we shared it with our contact list of all of the Indigenous Nations and communities we actively work with across the country.

There's close to 100 different Nations and communities we do work with with regards to existing nuclear facilities and activities and we received feedback from a number of Nations and communities, and we incorporated those edits and changes. We received some really great feedback to improve the document, and then we published it once we made those changes just a few months ago.

But we're treating it as an evergreen document, so if any community or Nation or anyone has feedback for us, we're certainly always open ears on that and we'll certainly improve it as we move along, but we believe we have a great framework in place that are in line with best practices out there in the government and certainly willing to work with

communities to actually implement that moving forward.

**THE PRESIDENT:** Chi miigwech, Ms. Van Schie and Ms. McGregor, for your intervention.

There are a few other issues you have raised that we have not followed up with staff or licensee on, but other intervenors have raised them, so we will be sure to do so later this afternoon. Again, very much appreciate your intervention today.

We will now move to the presentation from the Grand Council Treaty No. 3 as outlined in CMDs 21-M32.7 and 21-M32.7A.

And I understand Ms. Haley Krolyk will be presenting the submission. Over to you, please.

**\*CMD 21-M32.7/21-M32.7A**

**Oral presentation by the Grand Council Treaty #3**

**MS. KROLYK:** Hello, everyone. My name is Haley Krolyk. I am the policy analyst with the Territorial Planning Unit and Grand Council Treaty 3. I am from Kenora, Ontario. And I'll also be presenting today with Chris Herc and Priscilla Simard.

Next slide, please.

So our engagement sessions. So we held two engagement sessions with the communities in Treaty 3. So they were held to increase awareness and increase understanding of the ROR. They were also held together feedback that incorporated Treaty 3 rights and values into the ROR. And then we also had CNSC Staff there to answer any questions in regards to the ROR itself.

Next slide, please.

So just a little bit of background. So the Anishinaabe Nation in Treaty 3 brings unique Anishinaabe knowledge into the ROR discussion. So this includes how Manito Aki Inakonigaawin, which is the great earth law in Treaty 3, applies within the territory.

The law is unique to Treaty 3 territory and is passed on through Elders, meaning that no other Nation is able to incorporate the same knowledge into the process.

Grand Council Treaty 3 is made up of 28 communities within the territory and the report is

created and intended to provide feedback to CNSC in regards to the values.

So Treaty 3 members participated in the ROR engagement sessions and they were held both in person and via Zoom.

You can go to the next slide, please.

I'm just going to briefly explain what Manito Aki Inakonigaawin is.

So Manito Aki Inakonigaawin is the guiding framework and decision-making process of the Anishinaabe Nation as it relates to activities impacting the Treaty 3 territory. In this Anishinaabe framework, there is both a community decision-making process and a Nation-based decision-making process that is outlined, which includes application, engagement and consultation, authorization, and compliance and monitoring. So this significantly increases the value-added for CNSC to continue to support and invest in learning about Manito Aki Inakonigaawin, as this information is not accessible through any other mechanisms.

Elders and knowledge-keepers from

across the territory were invited to join the sessions. The engagement session attendees were asked a variety of questions rooted in Anishinaabe Inakonigaawin and how they relate to the report itself.

So the questions were based around Manito Aki Inakonigaawin principles, which include Anishinaabe rights, like inherent and treaty rights, right to be healthy, right to have a healthy environment, Anishinaabe responsibilities like caring for the land and education of all generations, reciprocity with mother earth, so living in mutuality and respect to all beings extended to mother earth, animals, plants, traditional ceremonies and offerings.

Next slide, please.

So Treaty 3 is also guided by the Nibi Declaration. So the Nibi Declaration is a way for Treaty 3 to explain the Anishinaabe relationship to water.

So the Declaration is a reflection of the sacred teachings of water held by Treaty 3 knowledge-keepers and is to be shared with communities

and those outside of the Treaty 3 territories. It speaks to the sacred relationship and responsibilities that the Anishinaabe have to water and the lakes and rivers around them.

So that's just a picture that goes into explaining the Declaration a little bit more.

You can go to the next slide, please.

I'm just going to pass it off to Chris Herc to go over the engagement sessions a little bit more in depth.

**MR. HERC:** Thank you.

I'm just basically going to be summarizing what we heard and the recommendations coming out of that. But before we get into that, just to give you an idea of the discussion questions that we were talking about in the engagement sessions, we discussed what are your Treaty 3 values and rights in regards to CNL and the ROR report, how does the ROR affect you and your community, how do we incorporate Anishinaabe Inakonigaawin, what are the rights, responsibilities, reciprocity and respect that needs to be added to the report, and all the other questions

that you can see there. You can see this in the report as well.

So next slide.

So what we heard specifically around the ROR report and the concerns, there is no mention of how the report incorporates Anishinaabe Inakonigaawin such as Manito Aki Inakonigaawin or the Nibi Declaration. Treaty 3 values were not incorporated into the report, and traditional knowledge is not incorporated and must come from Elders and knowledge-keepers from within the Nation.

Next slide.

The next slide here deals with engagement concerns, so kind of how CNSC, CNL, Whiteshell specifically are engaging with Treaty 3.

Treaty 3 members present were interested in learning more about transportation of nuclear waste through the territory from Whiteshell Laboratories. They were very surprised that it was happening. I think most had never -- did not know active transportation of waste was happening. So there was a lot of concern around that. And it was

the first time the session attendees had heard about the ROR report as well. I know previous engagement with Treaty 3 had taken place prior to the session.

Treaty 3 members requested follow-up engagement sessions on NWMO and transportation of nuclear waste. And I believe it was last week we did have one of those follow-up engagement sessions on nuclear waste transportation.

Finally, individual community engagements were not held. In-person engagements on the ROR report are preferred. We do understand it is a pandemic happening now, but going forward, not digital, in-person individual community engagements are usually the best way to engage with the community for Treaty 3.

So next slide, please.

As for recommendations, there needs to be inclusions of Indigenous and Treaty rights into the ROR through further engagement with Treaty 3. You know, two sessions is just not really considered meaningful engagement, we think, and especially when you're coupling that with webinar format as well and

not in person.

Ceremony must be included throughout the process. Manito Aki Inakonigaawin and the Nibi Declaration must be incorporated into the ROR through further engagement with Treaty 3. Engagement should happen prior to the report being written to better include Treaty 3 values, rather than after.

Work with Grand Council Treaty 3 to better disseminate information to Treaty 3 communities through a committee. Conduct meaningful, in-person and consistent engagement with Treaty 3 through follow-up sessions to give updates on various nuclear waste updates and developments from CNL.

A variety of engagements must be used to reach and achieve broader Treaty 3 participation. And so this is something that we've heard through lots of engagements sessions, not just specifically CNSC engagements for the ROR, especially when we're talking about during the pandemic when we have a lot of webinars, focus sessions. We have a lot of Elders and people within the communities who just don't have access to the internet required for this or, you know,

they're just not really familiar with the technology surrounding it, so with just digital engagement we miss out on a lot of opportunity for Treaty 3 participation.

All Treaty 3 communities must be engaged with, not just those within close proximity to Whiteshell. And so this especially goes back to the transportation of nuclear waste.

What we noticed was it was a lot of the communities surrounding Whiteshell Labs, whether it was on the Manitoba side of Treaty 3 or the Ontario side, those in close proximity. But if nuclear waste is being transported down, you know, to the southern site -- southern sites, it's actually going by a lot of communities and could affect a lot more Treaty 3 communities than just those within proximity of Whiteshell Labs. So yeah, just engaging with all communities, not just those in close proximity.

Next slide, please.

So in conclusion, those in attendance at the engagement session recommended that Manito Aki Inakonigaawin and the Nibi Declaration be followed and

expressed through the ROR. However, in order to incorporate Treaty 3 rights and values, more engagement on the report is necessary.

The basis of Manito Aki Inakonigaawin and the Nibi Declaration are respect, reciprocity, responsibility, and respect with all relations. Therefore, the first step to incorporating these laws in further discussions to ensure a greater understanding of Anishinaabe Inakonigaawin within Treaty 3.

Two, to enhance the relationship with CNSC and future RORs, the attendees recommended a better communication strategy be developed to better disseminate information to all rights holders in regards to all nuclear development within the territory.

Finally, the policy should clearly acknowledge Indigenous and Treaty rights as well as Anishinaabe Inakonigaawin. CNSC must work with Treaty 3 to further develop this relationship. A follow-up session is needed to incorporate Manito Aki Inakonigaawin, the Nibi Declaration, and answer any

questions and to provide more information on the nuclear industry as a whole.

Next slide.

I would like to hand it over to Priscilla. If you think there's anything that we haven't covered, Priscilla, or anything that you wanted to say yourself, please go ahead.

**ELDER SIMARD:** Thank you very much for allowing me to speak at this --

**MR. HERC:** Yeah, I think you are on mute, Priscilla.

**ELDER SIMARD:** Am I?

**THE PRESIDENT:** No, we can hear her.

**ELDER SIMARD:** Am I okay?

**THE PRESIDENT:** Yes, you are.

**ELDER SIMARD:** Thank you for this opportunity to speak to the distinguished people here.

We live in a fairly large territory. As a matter of fact, it's 55,000 square miles in the centre of Canada. That is a lot of area. That is a lot of forest. That is a lot of water. That is a lot of -- and only one major highway that passes through

there. There's some secondary highway to the south where I'm at, but the major highway is highway -- the Trans-Canada one.

And for much of our people are very concerned about the transportation of nuclear waste going through our territory, whether it's coming from the Whiteshell area and going to Chalk River, there is a concern on the transportation that there is no type of disaster that could happen.

The reason why we are very concerned about that is because we have a lot of good water. Our lands, and plant life, and animal life are important to us as a gathering society.

I want to speak about the importance of our law. We just didn't develop this law and come out just like that. It took years and years from inherent knowledge from many of our ancestors, way back then. And because our society is an oral society, much of the information is passed down orally generation to generation. So when it came time to make the law, it took also a long time for the Anishinaabe people in our territory to put this law

together. And it has the four elements that we talked about and those are very, very important elements stemming from respect and reciprocity.

That process is very clearly outlined so that when a new industry comes into our territory, that law is what tells us what can happen and what can't happen and how it's going to happen. Our people have given a lot of thought to that, that process, because the traditional knowledge that's contained in that law not only gives information, but it also is full of knowledge, as well as it contains a spiritual element to it. So when we talk about people coming into our territory or wanting development in our territory, they need to respect that law.

As well, the women's council of the Grand Council Treaty 3 worked for several years to get a water declaration in our territory, and that is because the water is very, very sacred, and again, having a spiritual element to it. We want to protect our waters. Our waters are very, very important to us.

So when we talk about nuclear

development in the Treaty 3 territory, we have to be assured that nothing is going to happen to our land and to our water, because we are the protectors of land and especially of the water. And in doing so, we do ceremonies every six months so that things are okay, that the water remains healthy and that the animals are protected.

Our people had said there's not -- governments make the decisions, but they don't really take the time to understand where we are coming from. We have this law, but we don't have an official response to what the nuclear industry has to say about our Anishinaabe Aki Inakonigaawin. Inakonigaawin means law, our traditional law in our territory. Or what it has to say about our water, about respecting our water declaration.

We need to hear from you on that, and I know of no other way to put it.

Thank you for giving me this time to be able to voice what I heard during this consultation, because I was part of this consultation process at the community level. Our law is twofold.

It's at -- it has discretion at the First Nation level, band level, or community level, as we call it, but it has 28 communities in the Treaty 3 territory. We all have to agree one way or other whether things are going to move ahead or not.

So a couple communities may agree, but overall, it's 28 communities in Treaty 3 territory that they're going to make the decision, and I really truly hope that you do hear the voices of the people in the Treaty 3 territory. Chi miigwech. That's it.

**THE PRESIDENT:** Chi miigwech, Elder Simard. Thank you very much for sharing that with us.

We will take a break now and return to ask questions because I know it's been a while since we've taken a break and I think people will be better focused after that.

And so we will return at 3:25 p.m. Eastern Standard Time and do a round of questions on this intervention.

Thank you, 3:25.

--- Upon recessing at 3:10 p.m. /

Suspension à 15 h 10

--- Upon resuming at 3:25 p.m. /

Reprise à 15 h 25

**THE PRESIDENT:** Welcome back. And we now are ready to open the floor for questions on the intervention from the Grand Council Treaty #3, and we'll start with Dr. McKinnon.

**MEMBER McKINNON:** Yes, thank you for the intervention. I'd just like to start by acknowledging the feedback from your communities expressed in the "What We Heard" slides was very useful. Very nicely done.

My question is arising, and it is directed to CNSC staff. One of the concerns raised in the Treaty 3 intervention is a lack of consultation and even the awareness of the ROR. When I was reading the ROR on Indigenous consultations, it stated that CNSC staff have formalized long-term engagements with four of the Indigenous groups for which CNL sites fall within the traditional and Treaty territories, and

that was listed in Appendix A. And I looked in Appendix A and I saw that there are 42 communities, so four of those is only a small fraction. I know there is a lot of engagement --

--- Technical difficulties / Problèmes techniques

**MR. LEBLANC:** Dr. McKinnon, perhaps close your camera. We lost you. You froze for a while. So maybe closing your camera will give you a bit more bandwidth.

**MEMBER McKINNON:** Okay. Yes, it is showing my internet is unstable. It's raining here. I'll turn off my video and hopefully that will stabilize it.

My question is for CNSC and it's in connection with Indigenous consultations. In the ROR report it is stated that CNSC staff have formalized long-term engagements with four of the Indigenous groups of which CNL sites fall within traditional and treaty territories, and those communities are listed in Appendix A. In Appendix A, there are 42 communities listed, so four seems very small. So am I reading or interpreting that incorrectly? Because I

know there is a lot of engagement activity. Could CNSC staff clarify those statements, the 4 out of 42, please?

**MS. CIANCI:** Candida Cianci for the record.

So you are correct in that the four Nations and communities we're making reference to is that we have formalized agreements, long-term engagement agreements with them. However, all of the Indigenous Nations and communities that we've referenced in the appendix, we are engaging and consulting with on various projects. With also the desire to establish long-term arrangements with, but that can take time to build the relationship and formalize that.

But I'll ask Mr. Levine to provide any other further comments.

**MR. LEVINE:** Thank you. Adam Levine for the record.

So that's exactly right. We engage with all those Nations and communities on a regular basis, either through consultations on the

environmental assessments, or major projects that CNL has ongoing, or just ongoing operations at the sites.

And the terms of reference for long-term engagement, it's a new tool we have in our toolbox for engagement. I see some great success with having those with the four Nations and communities that we have signed those with. It's definitely something we encourage and are open to doing more of. But it's not necessary for the engagement and relationship with us.

But these types of relationships take a lot of energy, resources, time, and funding, and the CNSC and Indigenous groups and communities don't have unlimited funds or resources to do this work, and so it does take time and for us to be creative to find ways to make that work. But we're definitely seeing a lot of engagement, obviously, on this ROR and in other areas of our work, and that's really encouraging to see many Nations and communities that take their time to engage with us and the Commission on these important matters.

**MEMBER MCKINNON:** Okay. Thank you

very much.

**THE PRESIDENT:** Thank you.

Dr. Berube?

**MEMBER BERUBE:** Yes. Thank you for the presentation, Grand Council Treaty #3.

I want to point specifically at something I really appreciated was from your written perspective here as it relates to the relationship circle. I thought this was particularly insightful, full of wisdom, and quite welcome, and this kind of information is deeply heartfelt and appreciated. So thank you for that.

The question I have is for CNSC staff and it's a follow-up with Dr. McKinnon, and that is to ask exactly how big is the CNSC's consultation and engagement staff? We see a lot of Adam, and I'm not sure how big this is, but looking at Canada, we know that there are thousands of First Nations and communities out there, and obviously this is going to be a resource issue. So I'm trying to understand how big that is, and if you can give me some feedback on where we are right now with that, I would appreciate

it.

**MS. CIANCI:** Candida Cianci for the record.

So I'll pass this question to Ms. Claire Cattrysse.

**MS. CATTRYSSSE:** Hello, my name is Claire Cattrysse. I'm the Director of the Indigenous Stakeholder Relations Division. Thank you for the question.

At the moment, we're sitting at about eight staff full that are in our actual division. But I do want to stress that there are dozens of staff working on the Indigenous consultation file across the whole organization. So, for example, in Environment Assessments, they work with us as points of contact with a number of the Indigenous groups, so it's across the organization.

I don't know if I can give an exact number, but it is dozens of people working as subject matter experts supporting the file, but we do have a dedicated team of which we're about to grow. We're trying to get some more resources, obviously, because

there is so much activity happening on this really important file.

Thank you.

**THE PRESIDENT:** Thank you.

Dr. Lacroix?

**MEMBER LACROIX:** Thank you for the presentation. No, I do not have any questions at the moment.

**THE PRESIDENT:** Thank you.

Dr. Demeter?

**MEMBER DEMETER:** Thank you very much for the presentation.

I was a bit intrigued. In your written submission, under "Next Steps", there are three next steps that you mention, and all three deal with engagement with CNSC. And I didn't see a lot in your intervention about engagement with the licensee or with CNL itself.

Have you had any interactions and engagement with CNL directly? To the intervenor.

**MR. HERCH:** I can speak to that. We have had Whiteshell Labs reach out before. It hasn't

been too often. I think -- and you might know this, Hailey, was it in late August, July, June, sometime around there, likely spring-summer, that we were speaking with them. So they have reached out in the past, but more would obviously be appreciated.

**MS. KROLYK:** Yeah. I think -- yeah. It was late in spring; you're right, Chris. But we haven't heard back very much from them since. I don't think that we really engaged with CNL that much.

**MEMBER DEMETER:** Maybe CNL, given that the transportation is such a big issue, and this is such a large body of land that transport would go between Whiteshell and Chalk River, maybe you could talk to your engagement activities with the Grand Council, and perhaps, from what we're hearing, how they could be perhaps improved?

**MR. BOYLE:** Certainly. This is Phil Boyle for the record.

I'm going to ask Mitch MacKay, Stakeholder Relations Management who has been working on this file to comment on that. And then perhaps afterwards we can have Sarah Brewer who is the most

knowledgeable here on transportation and shipping comment on that. So Mitch?

**MR. MacKAY:** Yeah, thank you. Mitch MacKay for the record, Manager of Stakeholder Relations for CNL's Environmental Remediation Group and also spent some time out at Whiteshell.

So I am familiar with the Grand Treaty 3, and miigwech to Priscilla for the input today. I really appreciate that and appreciate the input from Grand Council Treaty 3 as well.

We are engaged regularly with the Grand Council Treaty 3. In the past, the Grand Council has come to the Whiteshell site and done tours. We are engaged also with some of the specific communities, Wabaseemoong, Saugeen and obviously some are more -- of the communities are more engaged than others, but we are certainly willing and open to be more engaged and to work on a frequency that is more in line with what the Council would like.

With respect to specifics on transportation activities, we would be pleased to update the Grand Council on our transportation

activities. We do have -- and we have in the past talked about this across many of the communities in the local -- local to the Whiteshell site there. And we do talk about the decades of experience we have safely and securely transporting material from Whiteshell to Chalk River, and about the regulations for Transport Canada, and the CNSC, and the packaging.

We do have information that is regularly updated on our website as well, and we do coordinate across the provinces with the appropriate authorities on our transportation activities, and this includes the emergency responders that are in some of the communities that are along the routes.

I would just like to reiterate that we would be very pleased to work more with the Grand Council on transportation and certainly on other updates related to the Whiteshell site.

Thank you very much.

**MEMBER DEMETER:** Thank you. That's satisfactory.

**THE PRESIDENT:** Thank you.

Mr. Kahgee?

**MEMBER KAHGEE:** Thank you, President Velshi.

Chi miigwech to Elder Simard for sharing with us an openness in a good way today. Also say chi miigwech for reminding us of the importance of Anishinaabe and Anishinaabe Inakonigaawin and Nibi. As we know, water is life and safeguarding its spirit is the responsibility of each and every one of us, so chi miigwech for sharing and reminding us of those very important things and the role Indigenous voice and law and protocols have to play in processes like this.

Just kind of a follow-up question to CNSC. A lot of my colleagues have asked already about the engagement. There was a specific concern about -- again about the substance of the report, the ROR.

I'm just wondering, is there an opportunity to consider going forward perhaps a more concise summary of the engagement activities that touches on some of the protocols that Grand Council Treaty 3 has shared with us today?

The reason I raise that is it seems to me it's relevant to the discussion we just had previously on Indigenous knowledge and it seems to me one opportunity to reflect that in that understanding and acknowledgment of those protocols. I guess that's more of a statement, but also a question to CNSC Staff.

**MS. CIANCI:** Candida Cianci, for the record.

So certainly open to -- and we've made strides to better acknowledge Indigenous peoples within the Regulatory Oversight Report in consideration to previous years and that in January 2022 the Commission will talk about the scope and content of all RORs moving forward, so we certainly can move things along once we have a bit of direction from the Commission in that regard, and it's something that we strive to do in our licensing Commission Member Documents.

I know certainly when there is a decision and a duty to consult is triggered that we extensively cover the engagement and consultation

activities that have been carried out, and it's certainly something that we are committed to making sure is tracked within the work plans that we have in long-term engagement agreements that we have with Indigenous people, so we're certainly open to how to capture that better.

And I'll just see if Mr. Levine has anything to add to that.

**MR. LEVINE:** Thank you. Adam Levine, for the record.

So in addition to what Ms. Cianci indicated, we're also open to looking at other vehicles for reporting to the Commission and public and Indigenous peoples around this engagement. The ROR has a very specific scope and purpose, and we're always looking to make sure that we're staying true to its purpose, but also being meaningful for its intended audiences. So it's a delicate balance.

But we definitely have lots of different opportunities to provide updates to the Commission on that front, so definitely something we're going to be thinking about moving forward

because obviously we see there's a lot of interest in the work we're doing across the board from the Commission, from the many Nations and communities we work with. So, moving forward, we need to make sure that our reporting also reflects that, and the importance of Indigenous Nations and communities and their worldviews and perspectives in the work we do.

So certainly appreciate any feedback from the Commission on that front, but we're also doing our own thinking on that as well.

**THE PRESIDENT:** Thank you.

Ms. Maharaj?

**MEMBER MAHARAJ:** Thank you, Madam Velshi. I just have one question, and it's for staff.

Is there a place where the public or any interested party can get a sense of our statistics or the statistics that you might keep with respect to the transportation of radioactive materials and any incidents that may have arisen?

What I'm hearing is a concern that there isn't any information about whether or not transportation through the territories is safe.

Whether it's happened or not is a separate question, but the data about whether or not there have been any incidents, is there a place where this information can be viewed by a First Nation or public or anybody?

**MS. CIANCI:** Candida Cianci, for the record.

So I'll pass the question over to our transport specialist and maybe if I can wrap up after just to talk about how we continue to hear that transportation is of concern to Indigenous communities and members of the public and just other activities that we've been doing.

Mr. Lemoine, please, first.

**MR. LEMOINE:** Eric Lemoine, for the record.

I just want to set the stage a little bit here. There's approximately a million shipments of nuclear substances in Canada on a yearly basis from medical isotopes to nuclear waste to fresh fuel. There are many different nuclear substances that are transported across Canada.

There is no requirements in the

package and transport of nuclear substance regulations that each one of those needs to be reported to us. So, that being said, we don't have a specific website or database where all of those pieces of information would be in one place.

That being said, we do have -- when there is large public interest, we do have a few web pages on our site. For example, HEU transfers from Chalk River, there is a very comprehensive, with graphics, sort of almost like -- not a video but sort of a slide show that explains our packaging requirements and how the nuclear material is safely shipped.

In addition to this, regarding incidents, all of the transport incidents that are reported to us are reported throughout the RORs. So, for example, on Tuesday we heard the Director of Nuclear Substances Directorate ROR. There was a list at the end and some analysis in the ROR itself on the transport incidents. There is I believe at least three events reported in this ROR in the appendix. So all of the transport incidents are reported in the

RORs that are reported to us.

The other thing is, what we've been doing lately -- and more so this year -- in 2020, our outreach was very limited from a transport perspective. We have done a lot more this year including a transport webinar that occurred about a month ago where anyone could join and ask questions; you had to register ahead of time. And we actually gave an example of one of the more serious events that happened in Canada and explained in that very serious event how actually the containment of the package was not breached and did not allow nuclear substances to be released into the environment and there was no effect on workers or the public.

Back to you, Candida.

**MS. CIANCI:** Thanks, Mr. Lemoine.

That's exactly the kind of outreach or kind of information that I wanted to touch upon in terms of, as we continue to hear that this is an area of concern, we are trying to produce materials that are meaningful and provide valuable information to those that are interested. As Mr. Lemoine just mentioned,

we did carry out that webinar earlier but, to have a broader reach, we're also posting those webinars on our YouTube channel and it's also my understanding that our communications group is working on an infographic that should be relatively soon published that does a better job of clarifying what are the different roles and responsibilities and which regulatory bodies are involved in transportation.

So we're trying different mechanisms of getting information out there. So I hope that answers the question.

**THE PRESIDENT:** Ms. Cianci, just out of interest, how many people registered for the webinar on transportation?

**MS. CIANCI:** Thanks, President Velshi. I meant to include that and we didn't. Amalgamated between the English and French session, we had over a hundred participants attend, and that is quite high for our webinar participation.

**THE PRESIDENT:** High level of interest. I think maybe something for you to think about, rather than having these incidents in a number

of RORs, maybe having one common repository that's easily accessible on the website may be something for consideration.

Again, our special thanks to Elder Simard, Ms. Krolyk and Mr. Herc for your presentation, your very thoughtful submission, very much appreciated. Thank you.

We will now move to our last oral submission and it's a presentation from the Historic Saugeen Métis, as outlined in CMD 21-M32.9. I understand that Ms. Jenna McGuire and Mr. Chris Hachey will be presenting this submission. Over to you, please.

**\*CMD 21-M32.9**

**Oral presentation by the Historic Saugeen Métis**

**MS. MCGUIRE:** Thank you very much. Jenna McGuire for the record. I am the vice president and executive Director for my community and I also am the culture keeper for our community.

I want to thank the Commission today

for the opportunity to speak and share our perspectives. Today I will be speaking specifically about the CNL-managed Douglas Point site on the shores of Lake Huron as it relates to our Indigenous rights and interests.

So our community consists of the politically independent Historic Saugeen Métis who have resided for over 200 years along the Lake Huron shoreline, from the Islands off the Saugeen Peninsula down to the vicinity of the Ausable River. Our distinctive Métis community is rooted along the shoreline of eastern Lake Huron, for almost three decades prior to the settlement of the Saugeen territory by the Canadian government.

Our community traded in a north-south axis along the shoreline, from Sarnia up to the north Lake Huron shore and beyond into the northwest.

Our present-day community members are the descendants of the historic Métis community who have lived in, cared for, and been part of the land around the Douglas Point site since before effective control in our area.

Prior to the 19th century Treaties with the Crown, our community harvested in the lands and waters bordering Lake Huron and the Saugeen Peninsula as far south as Point Franks and as far north as the north shore. This area included communities, residents, places where we pursued traditional practices and pursuits, places of cultural and spiritual significance and other important cultural sites.

Today we continue our subsistence fisheries and land-based harvesting practices. We assert our Aboriginal rights over the lands and waters surrounding the Douglas Point site, and these lands and waters provide a vital support for our Métis community, our culture, our way of life, as well as our economy, health, and social relationships.

Historically and to the present day, our community relies on the lands around Douglas Point, including the waters, and used to harvest deer and other mammals in that area as well as fish and engage in historic fur trade activities.

HSM is committed to providing an

environmental legacy for future generations of our citizens so they can be proud of and confident and continue to support the next Seven Generations of our community and the involvement of our local Métis decision-makers is essential to these goals.

We are among the Indigenous peoples who have lived in and cared for and relied on the traditional Saugeen territory region for generations and it is our responsibility as the current HSM Council to ensure a sustainable environment for future and current families claiming section 35 *Canada Constitution Act* Aboriginal rights within our traditional Métis Saugeen territory.

So I'll just give a brief overview of our relationship with both CNL and the CNSC.

We began consultation with CNL in 2019. That was our first time working with the organization, and it was in regards to a licence amendment for the Douglas Point site in order to begin active decommissioning. Since that time, we've had a great development of that relationship. CNL has made an exceptional effort in engaging and consulting our

community -- staff, council, and community, I should say. They provided several methods and modes for sharing of information, have provided an on-site tour, and a strong relationship has developed.

To get into a little bit more detail, we meet with CNL quarterly and then additionally as needed if there's something else that comes up. They have provided materials both in a written format for us to provide at community meetings as well as physical materials that we've used in mail-outs and distributions because of the pandemic and the nature of changes to how we communicate with our community because we haven't been able to meet in person over the past two years. And so we've been really adaptive in coming up with ways to connect to the community that are alternatives to that traditional method.

We have participated in a couple presentations where I've provided a cultural and historic background to our community, and they have actively taken that in and been willing to learn about that. They've also demonstrated -- we haven't had a chance to do it yet, but demonstrated a willingness to

meet on the land and discuss the long-term decommissioning of the site, restoration of the site, and what that would look like, both in that area and kind of around the area to get a sense of sort of pre-industry aspects of the site, and that will be a situation in which we continue to share some of our Indigenous perspectives more concretely because it'll be land-based teachings.

In terms of the CNSC, we have a really strong relationship with them. We meet with the CNSC on a quarterly basis as well, but we meet additionally to that as and when novel issues come up. The CNSC locally makes themselves extremely available for any concerns we might have regarding various issues around the Douglas Point site and beyond. They've worked with our community to adjust some of their environmental monitoring program to include our perspectives, knowledge, and traditional heritage sites. We very much appreciated the effort and time that went in to adjusting that aspect of CNSC's ongoing monitoring.

They created an excellent opportunity

for our community to provide a virtual-based cultural programming to CNSC staff, so over the course of the pandemic we've done three virtual sessions on Zoom and there's been an attendance of anywhere from 50-something to about 150 CNSC staff across the country who have partaken in learning about our community's history, culture, and heritage, and that was greatly appreciated.

CNSC has also given us an opportunity to engage and contribute to the Indigenous policy -- Indigenous knowledge policy framework, and CNSC staff locally make an effort on their own volition to attend a lot of our community programming events that are taking place that are not related to ongoing consultation but allow them to learn about our community's perspective.

Just as a final note I wanted to state that it's really important for our community from our perspective to develop positive and trusting relationships that continue to grow and continue to deepen to ensure those consultation efforts protect our Indigenous cultural heritage, protect the lands

and waters around where we live. We desire to share that Indigenous perspective so that there can be this real true understanding of it, not just a superficial relationship, and I strongly feel that both CNL and CNSC bring this same perspective to the consultation table, so I'm very appreciative of that.

In conclusion, HSM has reviewed the Regulatory Oversight Report for the Canadian Nuclear Laboratory sites 2020 and feel satisfactory with the report and have no additional comments at this time.

Thank you.

**THE PRESIDENT:** Thank you very much, Ms. McGuire, for your submission and the words of reassurance. Let's open the floor and start with Dr. Berube.

**MEMBER BERUBE:** Thank you very much for your presentation, eloquent and to the point. I have no questions. Thank you.

**THE PRESIDENT:** Dr. Lacroix?

**MEMBER LACROIX:** Thank you very much, Ms. McGuire, for this very short presentation but to the point.

This is a question to staff. I have noticed that some Indigenous communities have tens of requests and recommendations and others are far more modest. On the grand total, there are probably more than a hundred requests and recommendations. So I was wondering, how do you handle all these requests and recommendations? How do you take into account the requests?

Also, can you draw some conclusions concerning certain Indigenous communities and others in the sense that some are modest and others are prolific? So can we draw any conclusion on this observation?

**MS. CIANCI:** Candida Cianci for the record.

Perhaps I'll just say that we take careful consideration of each intervention and each recommendation and request and, as we indicated in our presentation earlier today, we have every intention of following up with them once we have clarity on the path forward for future RORs that we do want to follow up with them. Some of the comments that they have

submitted or recommendations are the same as in previous years and we've provided responses to those, so we want to gain a better understanding of what is their perspective in resubmitting those responses and providing an opportunity to have that discussion and find a path forward.

So it is our intent to do that with each intervenor, each Indigenous community that has come forward for today.

In terms of, can we gain perspective between each Nation? We treat them each as distinct and have a distinct engagement and consultation framework with them, but I'll ask Mr. Levine to provide further commentary.

**MR. LEVINE:** Thank you. Adam Levine for the record.

So, yeah, we do track all the different comments and recommendations received and typically what we do for each Nation and community when we do receive a large volume of comments and recommendations in interventions, we have an ongoing tracking document for each Nation and community where

we compile all the different recommendations and questions and then we work to elaborate and consult and engage on those items going forward.

Going back to our earlier conversation about capacity. That is one of the key issues, why sometimes we're unable to make the progress that we would like to in terms of both our own staff capacity but also the capacity of each Nation and community to actually tackle each of these questions and comments. Some are quite easy to tackle if they're document requests or presentations they're wanting. But when it comes to larger, broader issues about governance, about monitoring, about incorporation of knowledge and worldviews and laws and perspectives, these are big fundamental questions and issues that take time and you can't just do it in one or two meetings. So we really do need to take the time to do that effectively.

And each Nation and community have different areas of concern and have a long list of questions and comments, others have less, but I think it just depends on their own specific needs and

perspectives of their community members and leadership and we respect that.

**MEMBER LACROIX:** So you do have a record of all the requests and comments?

**MR. LEVINE:** Yes, that is correct.

**MEMBER LACROIX:** Thank you.

**THE PRESIDENT:** Dr. Demeter?

**MEMBER DEMETER:** Thank you very much for the presentation and I truly appreciate the positive relationship you have with CNL and CNSC and I don't have any specific questions.

**THE PRESIDENT:** Mr. Kahgee?

**MEMBER KAHGEE:** Thank you very much for your presentation. I have no further questions as well. Thank you.

**THE PRESIDENT:** Ms. Maharaj?

**MEMBER MAHARAJ:** No questions from me, Madame Velshi. Thank you very much, Ms. McGuire.

**THE PRESIDENT:** Dr. McKinnon?

**MEMBER MCKINNON:** Thank you for the intervention. I have no questions.

**THE PRESIDENT:** Maybe I'll ask you one

question, Ms. McGuire. Again, your submission was that things are working really well. If there was one area to improve, what would you suggest that be, both for CNSC and CNL?

**MS. MCGUIRE:** I suppose, as was kind of alluded to in the discussion around capacity and all of that kind of stuff, there is almost hardly enough time for some of the work that does need to take place on the part of staff and -- resources in our office and resources within CNL and CNSC. There's a lot of legacy work in all of these kinds of things because Indigenous communities were not involved in earlier stages of a lot of nuclear industry issues. There's legacy that comes out of that and lots of learning to be done, you know, understanding of different perspectives, and so I feel like the active commitment to take time for those kinds of things I guess would be the thing that I would like to see, sort of a continued effort and time and resources to develop those relationships in a positive way.

I think one of the reasons our relationship with CNSC, for example, specifically, is

so positive is we have a bit of inertia built up. We've been working positively with CNSC for a while now, and there's been so much incredible information-sharing that we're sort of caught up with some things and it allows us to work on additional things, whereas I can see if you hadn't been caught up on certain issues, there would be a lot of catching up to do.

So I think the time, space, and resources for continuing the relationship is really the only thing I can think of.

**THE PRESIDENT:** Thank you very much for that, Ms. McGuire. Very much appreciate you coming and speaking with us today and for your submission.

Thank you.

This concludes the oral presentations by intervenors, and we will now proceed with the written submissions.

Marc, I will turn it over to you to guide us through this, please.

**MR. LEBLANC:** Thank you, Madame la

Présidente.

**\*CMD 21-M32.2**

**Written submission from the  
Algonquins of Ontario**

**MR. LEBLANC:** The first written submission is from the Algonquins of Ontario as outlined in CMD 21-M32.2. I will start with Dr. Lacroix and then we'll proceed through and invite the members to raise their hand if they want to ask any questions on each of the written submissions.

So the first one, the Algonquins of Ontario. Dr. Lacroix?

**MEMBER LACROIX:** Yes. I do have a question. What is the state of involvement on the AOO on the ongoing environmental, cultural, heritage, and human health monitoring?

**MS. CIANCI:** Candida Cianci for the record. I'm going to pass that to Mr. Levine, and if I've got that wrong, maybe it's Ms. Sauvé.

**MR. LEVINE:** I'm sorry. Could you

repeat the question, please, just to make sure we have the right context?

**MEMBER LACROIX:** Yes, indeed. This is a question that I got from the submission. They are concerned with the state of involvement in the ongoing environmental, cultural, and human health monitoring.

**MR. LEVINE:** Adam Levine for the record.

This may be actually something that CNL can respond to because I'm not sure whether it's in regard to one of their specific programs but certainly, from CNSC staff's perspective, we are engaging and consulting the Algonquins of Ontario actively on the environmental processes ongoing at CNL sites and involve them also in our independent environmental monitoring program among other things, but maybe I'll pass to CNL to see if they have any comment on that.

**MR. BOYLE:** This is Phil Boyle for the record. I think the best thing I'd like to do here is if we can take just a couple of minutes on our side while you proceed with the other questions, find that

statement in the written submission, and make sure that we're addressing it in the proper context.

Would that be acceptable?

**MEMBER LACROIX:** Absolutely.

**MR. BOYLE:** Thank you.

**MR. LEBLANC:** Meanwhile, we're going to proceed with Dr. Berube.

**MEMBER BERUBE:** So the AOO here asks a question; I'm just going to summarize it because it's a little convoluted. It's my understanding that they're wondering if there's any additional dose concerns around CNL sites due to the land use -- the intensity of the land use -- in terms of harvesting I would think at this point. Maybe somebody from CNSC radiation protection could give us some insight into whether or not there's any additional risk if they spend a lot of time in proximity to the CNL sites.

**MS. CIANCI:** Candida Cianci for the record. I think that's Ms. Sauvé with respect to public dose, so I'll pass that over to her.

**MS. SAUVÉ:** Kiza Sauvé for the record.  
So in the derived release

limits -- that's where we get our public dose calculations from -- CNL is required to take into account representative people and that could include Indigenous peoples living in the area. So they're required to know what's happening in the area and the Algonquins of Ontario, should they be harvesting close to the site, would be included in that.

Melissa Fabian Mendoza might be able to give more in terms of a human health risk assessment. That's done when we do the ERA where we also take into account Indigenous peoples. But, yes, they are included, is kind of the short answer.

**MEMBER LACROIX:** Thank you.

**MR. LEBLANC:** Dr. Demeter?

**MEMBER DEMETER:** Thank you. The intervenor raised concerns about revised rules for setting dose and dose rate alarms for all radiological activities, updating radiological signage in locations and reviewing their "AL", meaning action levels.

So perhaps provide some context about is this just a harmonization activity to make sure everyone is on the same page? Did it result in a

product that is more conservative and safe for all? What was the impetus for this harmonization product and, from an end-result point of view, what does the product look like compared to the status quo before it started? Maybe for CNSC staff.

**MS. CIANCI:** Candida Cianci for the record. So, Dr. Demeter, I understand your question to be about the revision to the action levels?

**MEMBER DEMETER:** Yeah. AOO said they're concerned about lack of information regarding why the CNSC undertook corrective actions to change a dose rate and dose rate alarm rules and then, in staff's intervention, talked about revised rules for all this, largely with regard to harmonization of signage, action levels and so forth.

I want to know, at the end of the day, after all that was done, did it make it a more robust conservative approach, or was it negligible with regards to safety factor, or just for harmonization?

**MS. CIANCI:** Thank you for the clarification. I wanted to make sure I was passing it on to the right folks. I'll ask our radiation

protection staff to take that question.

**MS. GADBOIS:** Nathalie Gadbois, radiation protection specialist for the CNSC, for the record.

Before I start, it should be stated that the setting of dose and dose rate alarms on personal alarm devices, which are also known as PAD, being referred to are for the radiation protection program and the protection of workers. So the intervenor seems to be concerned from an environmental protection perspective, so if I could add more to, you know, the use of the PAD in the protection for the worker who works within the facility at the Chalk River laboratory site or any other CNL sites, is that the use of the PAD is implemented by CNL to monitor the external dose received by a worker on a daily basis.

So the PADs are basically dosimeters that are worn by the worker and provide real time dose data. So alarms are always set on dose and dose rates to alert the worker of any changing conditions. The CNSC did not undertake any corrective actions to

change the dose or the dose rate alarm rule.

What we did is that, in 2019, CNL conducted an oversight activity to determine if improvements can be made in setting the dose and the dose rate alarm on PAD, and the rule was revised and implemented in 2020. So the previous rules that were used by CNL was based on the World Association of Nuclear Operators -- which is known as WANO -- guidance, and the revised rule that is currently implemented is based on the Institute of Nuclear Power Operations, which is the INPO guideline, and it was determined that the INPO guideline was the most suitable for the radiological work activity performed at CNL sites. So both the WANO and the INPO provide recommendations to the nuclear industry, and the use of their revised rule was accepted by the CNSC.

And we can have more information if need be.

**MEMBER DEMETER:** No, that's fine.

Thank you.

**MR. LEBLANC:** Thank you. Mr. Boyle,

are you in a position to complete your response to Dr. Lacroix's question?

**MR. BOYLE:** Unfortunately I am not ready to do that and I was going to ask whether that was still open.

But I did want to comment on this question, and the answer, Commissioner Demeter, is that this is a more conservative end-state. These levels were lowered in order to identify earlier whether there was something going on different than we expected. If we can take a minute, I would like our Director for Radiological Protection, Rob Corby, who can give you a few more sentences on that.

Thank you.

**MR. CORBY:** Thank you and good afternoon. Robert Corby for the record.

Yes, just to confirm what Mr. Boyle said and what has already been said by the CNSC about revisions to the rules of the dose and dose rate alarms, that was based on worker protection and to align with industry standards. But it was also something that was mentioned by the Commissioner. It

was also something to ensure more consistency as well in the application of that rule.

What I would say is, in all of the kind of bullet-pointed items mentioned, we are on a path to continuous improvement. So anything we do do, we review what we do and we try to improve on that.

So in terms of the point on action levels, we constantly review the work we are doing, we constantly look at where we can make improvements and we set challenging action levels.

As an example, the annual affected dose for a nuclear worker at the CRL site has been reduced from 20 mSv in a year to 10 mSv in a year.

Thank you.

**MEMBER DEMETER:** That's very helpful, Mr. Boyle and Mr. Corby. Thank you.

**MR. LEBLANC:** Dr. McKinnon?

**MEMBER McKINNON:** Thank you. I have a question for CNSC staff and it's in connection with comment number 4 in the intervention, and that was in relation to the burden of consultation imposed on their staff by the many different government agencies

and so on requesting consultations, and that has led to a preference for what is called the "one window" approach which is now adopted by CNSC in this case.

This was interesting because we normally hear about a lack of engagement, not over-engagement. But I'm guessing, for many small communities, this could be a problem.

I'm curious, how widely is this one window approach used? And because engagement is very much about personal interactions and building trust, are there any limitations that staff have found with regard to that model?

**MS. CIANCI:** Candida Cianci for the record.

So I'll ask Mr. Levine to take this one.

**MR. LEVINE:** Thank you very much.  
Adam Levine for the record.

We've heard this concern over the last few years from the Algonquins of Ontario with regards to the volume of different requests and consultations and activities we're doing with them. And what we're

trying to do from our vantage point is to ensure some consistency, so that we have consistent people from our staff engaging with them and providing information, especially around the environmental assessments that are ongoing that we are consulting with them heavily on.

That has worked quite well because it does build strong relationships and does address a lot of concerns and we're trying to be creative also with the funding that we're awarding through our Participant Funding Program to support a lot of the consultation and engagement work we're doing with them. So we're trying to improve things as much as possible and make it consistent and predictable for the AOO.

We've also passed on these concerns to different departments and agencies across the federal government, with regards to the AOO's lack of capacity, especially to Crown Indigenous Affairs who works a lot with the AOO on their land claim negotiations. And so, it is a concern, because we don't have necessarily the ability to coordinate for

all of government, but we definitely do want to pass on those concerns and find solutions for them. Because capacity is a real concern, and we respect their concerns being expressed with us and we're trying to do all we can on that front.

**MEMBER McKINNON:** Thank you for the explanation.

**MR. LEBLANC:** Ms. Maharaj?

**MEMBER MAHARAJ:** Thank you, Mr. Leblanc.

I have a question, it's a general question, but it arises quite specifically noted in the AOO submission, and it's with respect to the list of inspections and enforcement actions. It's included as an appendix to the ROR, but there's very little detail about what those enforcement actions were about and the recommendations for resolution.

I was wondering if staff could help me understand why, and if there's a good reason for there being such limited information about inspections and enforcement actions in the ROR?

**MS. CIANCI:** Candida Cianci for the

record.

So I'll start, but maybe I'll pass it on to Ms. Sample to complement my answer.

We tried to capture sort of the general findings of the inspections within the narrative of the ROR in terms of, we may list the different -- we have listed the different inspections and that's consistent from year to year. But we did try and put the narrative in terms of all the non-compliances were of low risk, and in our presentation today we did describe sort of what is meant by low risk and give examples of those.

But we do hear the comment and acknowledge the comment that that's something that we can consider in the future, in terms of providing a little bit more information that interested parties are looking for, in terms of what those might be or giving examples of those. But this is consistent with years prior in terms of the information we have provided.

We do try to leverage information that is existing on our website as well, but as you've

indicated, this is an area of interest so that's something definitely that we can take into account.

I don't know if Ms. Sample wanted to add anything to that.

**MS. SAMPLE:** Jennifer Sample for the record.

I would just like to add as to Candida's answer, that upon request we can provide additional information on the nature of those NNCs, or Notices of Non-compliance in more detail, and there's always the option to request access to information, the reports and that that we issue, and those would have greater detail on the nature of those Notices of Non-compliance if someone wished to know more.

We do have a fairly high-level summary in the ROR as it currently stands, as has been noted. But that information can be provided if needed, greater detail.

**MEMBER MAHARAJ:** Yeah, I'm not looking for anything in particular. I was looking more for an understanding of how you decided to land where you are, and perhaps this is just another question for us

to deal with in January in a little more detail.

So that's great for today. Thanks.

**MR. LEBLANC:** Thank you. Mr. Boyle?

**MR. BOYLE:** So I would like to respond to Commissioner Lacroix's question. I think I would like Shaun Cotnam, our Director of Radiological -- excuse me -- why am I stuttering here? Yeah, Chief Regulatory Officer to comment on this one. Can you for your patience. Shaun?

**MR. COTNAM:** Shaun Cotnam, just making sure that you guys can hear me okay.

**MR. BOYLE:** Yes, we do.

**MR. COTNAM:** Shaun Cotnam for the record. As Phil said, I am Chief Regulatory Officer for CNL.

So I think, Professor Lacroix, we did find what you are looking for. It looks like it come up in AOO recommendation number 5. Do I have that correct, sir?

**MEMBER LACROIX:** Yeah, I think so, yeah.

**MR. COTNAM:** Okay. So what it shows

in there is that -- it's recommendation 5, for all. The AOO continues to request that the CNSC integrate the following recommendation measures into the regulatory oversight regime. There's a first bullet. The second bullet is the one I think that Dr. Lacroix quoted from, the involvement of the AOO in the ongoing environmental cultural heritage and human health monitoring in around the site.

So, I mean, from our perspective here at Chalk River which I can speak to from a fair bit of authority and experience, is that we do bring in local observers to participate with us when we do archeological digs. Of course, we feature the Indigenous community very heavily in that and we've done that for a number of years. We have our Environmental Stewardship Council, which some of the local Indigenous communities are observers on that.

So there's a number of things that we do. So I'm answering it somewhat from an CNL perspective, noting that the recommendation is really directed more to staff.

**MR. LEBLANC:** Is this satisfactory,

Dr. Lacroix? Do you need no information?

**MEMBER LACROIX:** Yes, it is. No, that's all right. Yes.

**MR. LEBLANC:** Ms. Cianci?

**MS. CIANCI:** Candida Cianci for the record.

I was just going to say that now that staff has found it as well, we note as CNL just did that it was very much directed at CNSC. So we would be more than happy to speak to how we have been involving AOO in the independent environmental monitoring program and are committed to doing so moving forward, if that would be helpful. Okay. So I'll pass that over to Ms. Sauvé.

**MR. LEBLANC:** Thank you. I just want to verify with the Members if they have any further questions on this written submission?

**\*CMD 21-M32.5**

**Written submission from the  
Curve Lake First Nation**

**MR. LEBLANC:** Not seeing any raised hand, we will proceed with the next submission which is from the Curve Lake First Nation as outlined in CMD 21-M32.5 and we will start with President Velshi.

**THE PRESIDENT:** Thank you, Marc.

I don't have a question but I wanted to extend my deep appreciation to Curve Lake First Nation for this submission. I found it extremely thought-provoking. In fact, I shared it with the entire executive team, because I found it very helpful in improving our understanding and appreciation of how these regulatory oversight reports may be seen.

Earlier today we said we may all be looking at the same thing, but we'll see something different. And this was -- it really opened my eyes on how our Regulatory Oversight Report could be seen quite differently with a different set of eyes, and I found some very helpful insights on how our regulatory

oversight and our regulatory oversight reports can be more inclusive and more respectful. So for that, I thank you.

And I see staff already took note of a lot of what was being said in that, because I see the slide presentation had incorporated some of that feedback. So, again, my thank you for the submission. Thank you, Marc.

**MR. LEBLANC:** Thank you, Madame la Présidente.

Dr. Lacroix?

**MEMBER LACROIX:** Yes, to follow up on Ms. Velshi's comment, my attention got caught by two sentences in the submission. I will quote these sentences. When grasshoppers make a certain clicking sound, it is time to dry meat. Clicking sound is viable at a certain temperature and humidity of the air. And indeed, the propagation of sound waves is a function of the density of air, and the density of air depends on the temperature, the pressure, and the humidity.

So I'm very thankful to CLFN for

providing us with a wonderful example of integration, or should I say reconciliation, of Indigenous knowledge and Western science.

**MR. LEBLANC:** Merci, Dr. Lacroix.

Dr. Demeter?

**MEMBER DEMETER:** Thank you. I read right from my notes because I'm echoing what has already been said. But it's a very interesting recommendation to have more specific references to Indigenous peoples and maps outlining territories. I think that's very important. And I think there is merit in improving the specificity of language used in inclusion of boundaries of Indigenous territory.

So those are some of the take-home messages I got from this and I just wanted to put them on the record because I think they're very important. No specific question.

**MR. LEBLANC:** Thank you.

Dr. Berube?

**MEMBER BERUBE:** Yes, I found this submission to be extremely insightful. Their submissions typically are.

One of the biggest things that came out of the submission was a statement that said Indigenous epistemologies and ontologies, perspectives, understanding, and relationship are to the land in a dissemination of information. And that's profound. Because what that really says is that the First Nations in this case, from Curve Lake First Nations, is very much in the camp of qualitative analysis. They're very much connected to experiential learning.

That is a very different perspective than what we're used to at the CNSC and this quantitative approach which is measure everything, report everything, document, look for trends, and that's got to be the truth. But the reality is both of them are the truth. And I think there's some real room here, especially in terms of the IEMP sampling and collection because that's where we're going to get a lot more traction with the local communities, in terms of moving from a predominantly quantitative-based sampling methodology and recording to both, to a qualitative and quantitative, which

would be mixed methodology. I'm just using the scientific terms because everybody can actually follow that that's actually at that level that needs to make those decisions.

And given that, I think that we would get a lot more engagement and a lot more value out of actually doing this data collection, and it would basically merge both philosophies and we need to do this. I think we need to do this. Because there's real value to everyone doing this. It's not going to be easy. But I think if we take that approach, that mixed methodology approach, we're going to get to where we need to be.

Anyway, I thought I'd ask CNSC what their thoughts are on that, especially with regard to the IEMP. Can we actually do this? Is it possible?

**MS. CIANCI:** Candida Cianci for the record. I'll pass that question to Ms. Sauvé.

**MS. SAUVÉ:** Kiza Sauvé for the record.

I would hope it's possible. I don't know the answer to that and I think we would have to hope to work with the Indigenous Nations and

communities to help teach us how to make that possible.

One example I do want to share is when we were in the Saugeen Ojibway Nation area, up near Nawash, one of their elders took us on a two-hour walk through the forest and I'd never seen the forest the way that I saw it that day. And when I take my kids walking, I explain to them what I saw that day. And then the sampling team, when they go sampling, they see the forest in a different way.

The more we can get out and learn from our Indigenous Nations and communities, I think that will help us figure out how to merge those two ways. But right now I don't know how to do that, and that's why we will have to work with the Indigenous Nations and communities.

**MR. LEBLANC:** Thank you. I don't see any other raised hands. Members, any further questions on this intervention?

**\*CMD 21-M32.8**

**Written submission from the  
Métis Nation of Ontario**

**MR. LEBLANC:** If not, we will proceed to the next submission, which is from the Métis Nation of Ontario as outlined in CMD 21-M32.8. Mr. Kahgee, do you want to get us going?

**MEMBER KAHGEE:** I don't have any questions right now. I may come back. I'm just pulling up my notes on that. Thank you.

**MR. LEBLANC:** Any Members have a question? Dr. Lacroix?

**MEMBER LACROIX:** Yes, I do have a question. With respect to their concerns, requests, recommendations, according to staff, what is the difference between the Métis Nation of Ontario and the Manitoba Métis Federation?

**MS. CIANCI:** Candida Cianci for the record. I'll pass that to Mr. Levine.

**MR. LEVINE:** Thank you. Adam Levine for the record.

So the Métis Nation of Ontario is the governing body of the Métis throughout Ontario. They have a number of different regions. We work with quite a few of them as there are nuclear activities across Ontario that we regulate. And the Manitoba Métis Federation is the governing body, the nation, and the government of the Red River Métis, and Ms. Riel spoke eloquently about that this morning, about a lot of the major changes going on in that area. But they're distinct bodies that represent Métis citizens in different areas and jurisdictions.

**MEMBER LACROIX:** And in terms of their concerns and requests and recommendations, are they very different? Do they have a different approach, different way of looking at things? I just want to have a certain feeling of how do you perceive both these federations and Nations?

**MR. LEVINE:** Adam Levine for the record.

Yes, they are quite different in terms of their approaches and structure. There's certainly some similarities in terms of priorities and areas of

concern, but it's very specific locally to the specific facility and site and activities. With the Manitoba Métis Federation. We're working -- really focused on the Whiteshell lab site and the WR-1 decommissioning project so it's specific to that project and site, where the Métis Nation of Ontario, there's a whole host of different facilities to work with them on and each has their own unique issues and concerns.

It is pretty unique and that goes for every Nation and community we work with. We see a lot of diversity in views and interests and concerns.

**MEMBER LACROIX:** Thank you very much.

**MR. LEBLANC:** I don't see any other raised hands. I'm just going to wait a second or two. No, not seeing any.

**\*CMD 21-M32.3**

**Written submission from the  
Canadian Environmental Law Association and the  
Concerned Citizens of Renfrew County and Area**

**MR. LEBLANC:** We will proceed to the next submission which is the submission from the Canadian Environmental Law Association and the Concerned Citizens of Renfrew County and Area, as outlined in 21-M32.3.

So we're going to pass the question to Ms. Maharaj. I should say pass the floor to Ms. Maharaj.

**MEMBER MAHARAJ:** I'd like to, I guess, understand a little bit more where staff is going with respect to allowing some intervenors to present and others not. I was particularly taken aback by the fact that the CELA intervenor was not allowed to give an oral presentation, where they seem to be wanting to give an oral presentation.

So if you can help me understand kind of where we are in terms of policy, where we might be

going?

**MS. CIANCI:** Candida Cianci for the record --

**THE PRESIDENT:** Sorry, Candida. This may be a question better answered by the secretariat because that's where the decision gets made.

**MEMBER MAHARAJ:** Sure.

**MR. LEBLANC:** It's more historical than anything else. Marc Leblanc for the record.

Historically, with respect to regulatory oversight reports, this was information to be provided and it was not considered to even have any interventions. Then there was a lot of interest from various stakeholders and Indigenous Nations and communities, and we've opened it up to get some interventions and submissions.

It was decided at one point that these were not really licensing hearings and they were really for information on the regulatory oversight, and, in that context, it could still be of interest to have interventions, but in written form only, so that we would not spend a day or two on a particular ROR.

And then, in the spirit of reconciliation and in recognition of the oral tradition of the Indigenous Nations and communities, it was decided to allow Indigenous peoples to present verbally. This was not an offer made to other intervenors, but it is a question that is going to be considered as part of the review of the ROR process in January 2022.

**MEMBER MAHARAJ:** So then I will probably be advised by Madame Velshi to hold my questions and further comments on that until January?

Yes? Okay.

**MR. LEBLANC:** Dr. Demeter?

**MEMBER DEMETER:** Thank you.

I think, based on the written intervention, a lot of discussion on Whiteshell, it might be good to get on the public record from staff what has been approved relative to Whiteshell decommissioning, what hasn't been approved and will still need Commission approval, just to make the record clear on what has been approved for decommissioning and what has not yet been approved or

considered by the Commission.

Largely in relation to time frames to decommissioning and to make it clear about the status of the in-situ option relative to the Commission.

**MS. CIANCI:** Candida Cianci for the record.

So I'll start, and then, in terms of the specifics that you're looking for in terms of timeframes, I'll pass that over to Mr. Ross who is the licensing lead for the Whiteshell site.

What has been approved by the Commission in reference to that comprehensive study report we were talking about earlier today, and that they have approval for through their current Whiteshell decommissioning licence, is the full decommissioning of the site, including the full dismantlement of the WR-1 reactor. What has not been approved and what is currently still undergoing an environmental assessment and licensing regulatory review is CNL's proposal to carry out in-situ decommissioning of the WR-1 reactor.

And in terms of timeframes, the

difference between the two, I'll pass that over to Mr. Ross.

**MR. ROSS:** We don't actually regulate to specific timelines and timeframes. Those timelines are determined by the proponent licensee. All that has been authorized by the Commission is the scope of work.

And so the scope of work that's been authorized is the decommissioning of the whole site, including dismantlement of WR-1. And what has not been authorized would be in-situ decommissioning of WR-1.

**MEMBER DEMETER:** That's very clear. Thank you.

**MR. LEBLANC:** Dr. McKinnon?

**MEMBER McKINNON:** Thank you. I have a question for CNSC staff.

There was a question about performance ratings in the intervention and how they were derived. And I guess this is in connection with the use of the "Satisfactory" and the "Below expectations" rating, but I'm probably sure there are a number of other

factors that are involved in developing that. So I was wondering if staff could describe what some of those factors would be and how they're weighted and the threshold to achieve satisfactory is set.

If there are these various factors used, does staff actually look at trends in these, as opposed to just the high level, satisfactory, below expectation?

**MS. CIANCI:** Candida Cianci for the record.

So I will start by saying that each regulatory program carries out their performance rating with different methodology. So I'll speak to you about the fuel cycle program and how we carry out our performance rating.

Our performance ratings are carried out through a systematic process. It's one that is qualitative but that involves -- it's an expert-based approach, in that it's a multidisciplinary subject matter expert team called the Facility Assessment and Compliance Team that carries out the performance ratings.

The inputs to that are inspections, compliance report reviews, events reviews, and reviews of licensee submissions, how they carry out corrective actions to reportable events or to non-compliances, whether they do that in a timely way and in an adequate manner to CNSC staff's satisfaction.

We also, as you were asking in your question, Dr. McKinnon, we also look at trends, looking at trends from previous years of compliance as well as performance reports. Looking at lost time injuries, environmental releases, dose to workers -- that's just a flavour of all of the criteria that go into it. But the performance rating really is driven by compliance results.

So for each SCA for an annual year, that subject matter expert group looks at it collectively. The first step is to identify what are the compliance results from all of those inputs that I just described. Then it's to assess those compliance results against regulatory requirements. Are they meeting regulatory requirements and CNSC staff expectations? And from that they then rate the

performance for each SCA.

So a satisfactory rating is when a licensee is meeting regulatory requirements, that any non-compliance or performance issues, if any, are not risk-significant, or that any non-compliance or performance issues have been or are being adequately corrected.

And then the opposite is true for below expectations in the sense that performance is not being met to either staff's expectations or regulatory requirements. One or more of these criteria that I'm just describing and the licensee either has risk significant non-compliance or they're not addressing non-compliance in an inadequate or timely manner.

So that's the distinction between the ratings, and that's generally overall our rating methodology.

**MEMBER McKINNON:** Okay. Thank you.

**MR. LEBLANC:** President Velshi?

**THE PRESIDENT:** Thank you, Marc.

I have questions on four of the 43

recommendations by this intervention. Many of the recommendations have been covered with previous interventions or will likely be the subject for the discussions in January.

So Recommendation 2 to staff: CNSC should reintroduce webinars and other outreach activities related to the ROR that target the public.

Help us understand why those webinars ceased.

**MS. CIANCI:** Candida Cianci for the record.

So there were many factors that went into making that decision for this particular year. That's from our experience of carrying out public webinars in previous years. So the first input was that we have had low attendance to those public webinars. The other aspect to it is through the polling surveys that we've done and the feedback surveys as part of those public webinars, we have heard that either the information was already well-known, or that the participants had no intention of intervening at the Commission proceeding, and so

didn't result in value-added for them in terms of how to get involved.

The public webinars are usually a general overview of what's within the ROR, the findings, and then how to participate.

And then the other reason is that we have been seeing a trend in the last few years that the majority of our intervenors are Indigenous Nations and communities. And so what we focused on doing this year was piloting and starting for the first time, Indigenous engagement sessions that were really focused on getting a discussion going with Indigenous Nations to better explain what's in the ROR, how to participate, and start that dialogue earlier rather than just within the Commission proceeding.

So those were the reasons in terms of changing the focus this year. Notwithstanding that, with the focus on public engagement, our focus in that regard was to address other feedback that we've been hearing from them. So some examples are, we have been hearing from them that they want more time to review the ROR. So this year we gave a 60-day review period

for the ROR.

We also heard from them that they'd like licensees' annual compliance monitoring reports to be published sooner so they have more time to review it. So we followed up with CNL to make sure that their summaries were posted, as well as the full reports distributed to their stakeholder and Indigenous community list in summer 2021.

So that's just an example of where why attempted to change the focus this year. It certainly doesn't change the fact that outside of COVID we will want to carry out in-person events. We typically would be, and that's our intention to return to do so.

**THE PRESIDENT:** Thank you.

The next one is on Recommendation number 8. It's similar to the concern raised earlier today by the Kebaowek First Nation, and I think they had said CNL approves its own projects. But this was around this Notice of Determination made by CNL, and should it be AECL, and what's been CNSC's involvement around these nine waste-related projects that have been posted on the Federal Impact Assessment Registry.

I'll start with staff first and then to CNL, but I see Mr. Boyle has got his hand up. Maybe we'll start with CNL first and see if staff wish to add anything. So Mr. Boyle?

**MR. BOYLE:** Thank you very much, Madame President. We could have gone in either order.

Let me start with George Dolinar, the Environmental Director, can talk about how we comply with the requirements of the *Impact Assessment Act*, and then he will probably pass to AECL, because I think it's very important to understand the relationship and the responsibilities AECL has in this business. George?

**MR. DOLINAR:** Thanks, Phil.

George Dolinar for the record, Director of Environmental Services for CNL.

Maybe I'll just start with the fact that the *Impact Assessment Act* came into force in August of 2019 and the registry, sort of the public registry where projects are posted, got operational a few months later. Our first posting was actually in the fall of 2019. There were as noted, nine projects

posted during the 2020 year. There are a variety of types of projects.

I want to discriminate a couple of things here. One is that the threshold for information going out to the public as a result of the *Impact Assessment Act* has been lowered. So there's more information going out to the public in terms of this Notice of Intent process and Notice of Determination than was previously available under CEAA 2012 and the previous CEAA versions. So I think that's important to understand. So there's more information flowing out to the public and to Indigenous Peoples through the registry that the IAA operates.

We work closely with AECL to assess projects. I'm going to turn this over in a moment to our colleagues over at AECL for their comment.

The other thing that's probably worthwhile mentioning is the registry has two types of projects listed. So the ones with the Notice of Determination or termed section 62 determinations, they are non-designated projects.

Equally, the registry includes designated projects, things that the Commission and public are more familiar with because of, you know, increased efforts for communication and so on. Things like the near surface disposal facility, a WR-1 that's been mentioned and the in-situ decommissioning.

On the registry level, designated projects and non-designated projects are listed and that's sometimes a source of potential confusion. When I look at one project that's got lots of detail, and another project they've got relatively little.

Anyway, I'll turn this over to AECL at this point for their comment. Thank you.

**MR. MACDONALD:** Thanks very much.

Alastair MacDonald for the record.

I can just add to George's comment. Yes, AECL, we are the federal authority specified in the *Impact Assessment Act* and as such we are the ultimate decision maker with respect to these projects and you know, we fully understand that. But, you know, similar to the ways we respond in other areas, CNL under the local contract, CNL provides expert

advice and review. And as the Site Manager and operator, they provide that review to AECL. Yes, we work very closely with CNL on these determinations and fully accept we are the decision maker as the federal authority for these projects.

I also endorse George's comments. I very much welcome the introduction of this Act and it certainly encourages AECL and CNL to make public and more transparent, more projects, more work that we're doing within the sites. And they allow say Indigenous Nations, stakeholders and any other groups to comment, and I think as always, we welcome comment. If these notifications and publications prompt interest, we welcome comment and dialogue on these projects.

That's all I would add. Thank you very much.

**THE PRESIDENT:** Thank you.

Staff, I don't need to hear from you on this one, but maybe I'll tie it in with something a bit later on.

So the next one is Recommendation number 23, and this is to do with the NPRI, the

National Pollutant Release Inventory. Again, a similar comment raised this morning by the Kebaowek First Nation on where that particular initiative is of the inclusion of radionuclides data in that database and how there's no update been given in the ROR.

So, staff, update, please.

**MS. CIANCI:** Candida Cianci for the record.

I'll ask Ms. Sauvé to start and then we also have our Environment and Climate Change Canada staff here who can complement.

**MS. SAUVÉ:** Kiza Sauvé for the record, I'm the Director of Health Science and Environmental Compliance Division.

The decision not to include radionuclides in the NPRI was made by Environment and Climate Change Canada. And they are not included because it's already reported by other organizations. So with that in mind, CNSC reports them in the back of theirs, but they're available online in an NPRI like format. They are linked from our website in the open government portal with 2020 data and we're currently

working with industry to standardize that data.

And then we're also working -- we're continuing to work with NPRI so there are links that go from one database to the other. So if you're looking at let's say the Chalk River Facility in the NPRI, you can click on a link and get to the radionuclide data as well. So I'm not sure if --

**THE PRESIDENT:** So -- sorry.

Ms. Sauvé, I think the question was -- it was kind of left hanging in the air. The last year's report it actually said we're working with Environment Canada on this and then this year's report was kind of silent on it. I think that's just good feedback and what you have just said today is extremely helpful. That it should be seamless to an individual looking at NPRI, because there is a link they'll have to press and they'll get to that information readily. So thank you for that.

And then my last one is on Recommendation number 30, which is the inclusion of lost time injuries in the ROR. There were four at Chalk River, and I guess details of only one of them

was provided. Four is high. I don't know how you compare that with other similar facilities. As you know, for most of our nuclear facilities, it's usually zero, and one or two raises eyebrows.

Again, staff, any comment on why those details have not been included in the ROR?

**MS. CIANCI:** Candida Cianci for the record.

No, I think we can acknowledge that we can provide that moving forward. I think we just focused on the one that had a greater frequency or severity to describe, but if you're looking for more information on those other four, we can certainly provide that detail now.

**THE PRESIDENT:** Yeah. Well, I don't really need it now. Maybe it will be part of our January discussion. But I think lost time injuries is probably good information, just as we hear on all the other environmental information that we provide more on conventional safety.

Mr. Boyle?

**MR. BOYLE:** I just wanted to make a

quick comment. Phil Boyle for the record.

That only one of those lost time injuries was associated with physically doing work and it was removing a closer from a door.

The other four were slip on ice, slip on a floor, twisting a back when taking something off a shelf. Not that that changes the significance of them. Any injury is of concern to us. So we have taken action on each one of those, in fact, to try and get to the root cause of it.

But I wanted to indicate, interestingly, the physical actions of doing work where we do a lot of preparation, briefing, hazard analysis, that is not where our injuries are occurring. We need to keep our attention there, but we also need to work in these other areas.

**THE PRESIDENT:** Fair enough. Thank you.

That's it from me, Marc. Thank you.

**MR. LEBLANC:** I'll just verify -- Dr. Demeter has his hand raised. Dr. Demeter?

**MEMBER DEMETER:** Thank you. This is

for CNL. It's just a clarification. The intervenor, CELA, has an allegation that during heavy rainfalls led to the release of untreated water. And then when I look at the Port Hope report, it says that the old water treatment was used in 2017, '18, '19, to prevent the release of untreated water.

So the intervenor said there was release of untreated water and this other CMD said that this was in mitigated by the use of the old water treatment. I want to confirm whether there was release of untreated water, or whether it's as stated in the staff CNL CMD, that this was mitigated by the use of the old water treatment plant.

**MR. BOYLE:** This is Phil Boyle for the record.

There have been instances of untreated water sampled later and determined not to be significant releases as a result of very large rainfalls. But I'm going to ask Mark Hughey if he can comment specifically on 2020 and whether there was such a release in that period of time. Or perhaps Steve Morris might be better positioned to state that.

I'm sorry. We may be having some technical connection comments. Steve, are you on?

**MR. MORRIS:** Yes, I'm here. Can you hear me?

**MR. BOYLE:** Yes, we can.

**MR. MORRIS:** Okay. Great, thanks.

Steve Morris for the record.

I can confirm in 2020 the operation of the old treatment plant would have been used as a mitigative, so it wouldn't have been an off-site release in 2020, just to clarify that point.

**MEMBER DEMETER:** And in the previous years, '17, '18, '19?

**MR. MORRIS:** I can confirm in 2017, 2018, the old plant would have been used to prevent the off-site releases. It was implemented as a contingency plan. As the site operations increased, we ended up treating more site water which could quickly overwhelm the on-site storage capacity, so we implemented a mitigation strategy should the need come, if we were kind of forced between two different scenarios of an off site release or turn on the old

plant, we would turn the old plant on. That's where that strategy comes into place.

**MEMBER DEMETER:** All right. Thank you.

**MR. LEBLANC:** I'm just looking to see if there's any further questions on this intervention. If not, Madame la Présidente, we can proceed with the general rounds of questions.

**THE PRESIDENT:** Okay. So this does complete the list of submissions and interventions. So let's start with the general round of questions and we'll start with Ms. Maharaj, please.

**MEMBER MAHARAJ:** Thank you, Madame Velshi.

I'd like to ask a question of staff, and I'm referring to Slide 31 of the preparation, with respect to event reporting. Slide 31 and Slide 32 together. I'll just give you a second to get there.

So what I thought was interesting is that the number of events that are reported at Chalk River is dramatically higher than any of the other facilities or reporting entities, even all of them put

together. Similarly, if you look at the inspections carried out by the IAEA in Slide 32, again much, much higher for Chalk River versus any of the other projects or facilities.

I was wondering if staff could just help me understand what the reasoning is for there to be so much attention just to Chalk River and not so much at the other facilities?

**MS. CIANCI:** Candida Cianci for the record. I'll start and then I'll ask Ms. Sample to complement my answer.

Our regulatory oversight is commensurate with the risk of the activities that are being carried out at each site. It doesn't mean that that in and of itself will mean there will be more events, but it may be why you're seeing more attention to Chalk River. Because of all of the facilities that you see listed there between them and Whiteshell Laboratories, they are the higher risk facilities given the activities that are being carried out on site.

The breadth and complexity at Chalk

River is very unique, so I would say that's the reason that there is focus. We have a site office at Chalk River that is dedicated. We have site office inspectors that are dedicated to carrying out regulatory oversight at the site. So in that nature, they're also carrying out more frequently inspections, outside of the pandemic, obviously there would be a lot more inspections than we typically did this calendar year.

So I'll just see if Ms. Sample has anything to add to that.

**MS. SAMPLE:** Jennifer Sample for the record.

I would just echo what you were saying, Candida, it's the nature of the work going on at the Chalk River site. I think, just the fact you see the correlation between the IAEA visits and the events, it kind of just demonstrates it's a very dynamic site. There's a lot of decommissioning work going on right now, they're building new infrastructure. The nature of the material, the risk at the facility. There's a lot of inspections done

there. Let's a lot of activity, a lot of events. And I think it's not unexpected to us that we would see those two things both associated with the Chalk River site.

**MEMBER MAHARAJ:** Thank you.

**THE PRESIDENT:** Thank you.

Dr. McKinnon?

**MEMBER McKINNON:** Thank you.

I have a question for CNSC staff and it's a matter of definition of SCAs as they have been applied at Port Hope and Port Granby projects. In the Appendices, Table H3 and H4 show the SCA ratings for both of those projects, and they indicate that safety analysis and fitness for service are not applicable.

Let's just take one of them, for example. Fitness for service, that covers activities that impact the physical condition of the structures, systems, and components to ensure that they remain effective over time. So to me it would seem that that, you know, that would be applicable to the long-term integrity of the facilities in isolating contaminated soil and just doing their job, and maybe

include monitoring results as well.

So am I interpreting the use, the applicability of these SCAs incorrectly? Could you explain why these two have been excluded for these facilities?

**MS. CIANCI:** Candida Cianci for the record. So I'll ask Mr. Buhr, who is the Senior Project Officer working on the Port Hope Area Initiative to answer that question.

**MR. BUHR:** My name is Rob Buhr for the record.

So this is an historical legacy dating back to the time when the licence was issued, so at the time when the licence was issued they were into what they call phase 1 activities, so basically there's nothing happening at the time. It was basically buried waste ready to be remediated and placed into safe storage locations.

Then they moved into stage 2, or phase 2, and this was where the wastewater treatment plants were actually being developed and constructed from designs. In addition to that, the mounds themselves

are being built and designed.

And so, the fitness for service is really built into those designs, and that as those facilities mature, that there will be further requirements on them to have, like, maintenance programs and things for these plants. Now that they're actually operational and functioning, they do have maintenance programs, training programs and those types of things that you would expect from a fitness for service safety and control area.

So during the next licensing renewal phase, those activities will be captured in the new licence.

**MEMBER McKINNON:** I was thinking in the context of something like a tailings dam, and although this is certainly not anywhere near as complex or as large as a structure like that, you know, there are external agents that act on the structure, like heavy rainfalls and so on, and we do want to monitor the long-term integrity.

That's what I was wrestling with, you know, the exclusion of an SCA that might be relevant

to that kind of ongoing requirement to ensure that it is maintaining fitness for service. So that was the root of, you know, my question, why it was excluded.

**THE PRESIDENT:** Staff have anything to add?

**MS. CIANCI:** I'm just conferring with my colleagues whether we have anything to add.

I think perhaps all we can say is that given Mr. Buhr's explanation of historical, that that's -- you know, the applicability was determined back then -- oh, I just see Mr. Boyle's hand is up. So I'll let you take over.

**MR. BOYLE:** I just wanted to make the observation that independent of whether it's evaluated -- excuse me. Independent of whether it is evaluated as an SCA, we certainly take the responsibility, and there are maintenance programs and training programs, so it is not that the absence of that here means that we're not paying attention to it.

**MS. CIANCI:** Candida Cianci for the record.

I was just going to say something

similar in terms of regulatory oversight in the sense that, although historically they may not be applicable and as you heard Mr. Buhr say that when we come forward next year for a licence renewal, we are certainly going to look at the applicability and see whether they should be throughout this period. That those aspects that you're referring to, Dr. McKinnon, have been looked at through other SCAs, so through management system, environmental protection, and physical design, in those areas we are looking in terms of, is there the training, are the maintenance programs in place for that?

So just to give you that reassurance that it is being looked at just through other SCAs.

**MEMBER MCKINNON:** Thanks.

**THE PRESIDENT:** Dr. Berube?

**MR. LEBLANC:** You're on mute, Dr. Berube.

**MEMBER BERUBE:** My question has to do with the Port Hope long-term waste management facility, which is still open to the environment. Given the recent happenings in British Columbia, I

think we're all pretty sensitive to excess rains.

I'm just wondering what the surge capacity of that facility is, given the new water treatment plant at this point in the event that we actually have a 1-in-500 year storm or something of that nature. Can you give us some understanding of how much water that facility can actually manage before we have any problems?

**MR. BOYLE:** This is Phil Boyle for the record.

I think Mark Hughey would be best to respond to that. But I would point out that for Port Granby where the cap is complete, rainwater runs off and is not contaminated, does not need to be treated. Mark, can you respond to the Commissioner's question?

**MR. HUGHEY:** Yes. Mark Hughey for the record.

We do consider those heavy rains and understand exactly what you're talking about with regard to the impact of the climate and large swings in the climate changes, extreme weather. Since remediation and construction activities have begun,

there have been several severe weather events that unfortunately have resulted in systems rapidly being overwhelmed and we're aware of that. That did lead to off site releases, as discussed earlier.

As a result of these events, CNL has developed and incorporated lessons learned that in some cases, resulted in extensive changes to the project. Both project sites and the operations including expanded on-site water storage capacities. We've expanded the pond at the Port Hope Long-term Waste Management Facility and construction of large berms and swales to keep the water inside the site.

In addition, CNL developed robust water management contingency and mitigation plans that we review annually, and update those annually to make sure we are reflecting what the current situation is, site conditions and expected weather patterns. So climate change and resiliency will need to be a key aspect in all elements of the PHAI project through to completion.

I don't have the actual number that you asked, the exact volume of water that we can take,

but we have mitigations in place with the expanded ponds and large storage tanks to capture the extra water.

**MEMBER BERUBE:** I'm just more interested in your defence in-depth strategy there, because obviously that's the primary mitigation strategy, I would think. Okay. Thank you.

**THE PRESIDENT:** Dr. Lacroix?

**MEMBER LACROIX:** Yes. This is a question for staff concerning the SCA physical design.

I was wondering, during the decommissioning activities, the physical design of structure system and components may change on a daily basis, so how does CNSC assess the compliance of this SCA?

Second, why was this SCA excluded from the ROR in these times of decommissioning of many installations?

**MS. CIANCI:** Candida Cianci for the record.

Maybe I'll take the last part of your question because all of the -- all 14 safety and

control areas were covered within the ROR. So I'm not sure on what wasn't covered in particular but for --

**MEMBER LACROIX:** In the ROR you insisted on a radiation protection, environmental protection, and one more. But you did not insist on physical design, and I was a bit surprised considering the fact that many of the installations are being dismantled and demolished, so it seems to me that it's an important SCA, isn't it?

**MS. CIANCI:** Maybe I can speak to you about why we focus on the three SCAs in particular that we focus on every year, but we had heard from the Commission to provide more detail on all SCAs, so we did do that for this calendar year ROR.

But the reason that we focus on environmental protection, radiation protection, and conventional health and safety is because those are good indicators of whether we are meeting our mandate in terms of ensuring the safety of workers, doses to workers, the public, protecting the public and the environment. So you get good indicators by looking at dose to workers, the releases to the environment, and

what the public dose is each year. So those are good indicators.

The other reason for the fact that we focus on those is because from those compliance results, we'll tend to see if there's trends in other areas, such as processes maybe not being followed, necessary training. So there are ties and correlations to all of the other SCAs by us focusing on those.

But to the Commission's point, we have tried to give more information on all 14 SCAs in that area. And then in terms of health, physical design and we looked at in terms of compliance oversight, I will pass that over to our physical design specialists -- just looking to see --

**THE PRESIDENT:** Before you do that, Dr. Lacroix, do you need that?

**MEMBER LACROIX:** No. It's not an emergency. No, no.

**THE PRESIDENT:** Not an emergency. I thought you said you were fine. That's why I just wanted to --

**MEMBER LACROIX:** No, I'm fine with the answer for the second question. But the first question, you know, how do you assess a structure that is being modified on a daily basis? It's mind boggling to me. So I just want to know.

**MS. CIANCI:** So for that part, I will pass the microphone over to Mr. Leach.

**MR. LEACH:** Aidan Leach for the record.

The physical design of buildings removed is looked a lot as well in the waste management safety and control area that covers decommissioning.

**MEMBER LACROIX:** Okay.

**MR. LEACH:** So building removal plans are reviewed for each building. It is a focus of quite a few inspections, particularly on the Chalk River site.

**MEMBER LACROIX:** Right. Okay, okay. I see. I understand.

**THE PRESIDENT:** Thank you.

**MEMBER LACROIX:** Thank you very much.

**THE PRESIDENT:** Dr. Demeter?

**MEMBER DEMETER:** I have no further questions. Thank you.

**THE PRESIDENT:** Mr. Kahgee?

**MEMBER KAHGEE:** I have no further questions as well.

**THE PRESIDENT:** Thank you. Any other Commission Members with any other questions? Show of hands?

It looks like no more questions. So this concludes the public meeting of the Commission. The Commission will now move into a closed session to discuss a confidential security-related matter. I think you all for your participation. Have a great evening.

Stay safe. Stay well. Bonne fin de journée. Bye, everyone.

--- Whereupon the meeting concluded at 5:11 p.m., /

La réunion s'est terminée à 17 h 11