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**Written submission from the  
Métis Nation of Ontario**

**Mémoire de la  
Nation métisse de l'Ontario**

**Regulatory Oversight Report for  
Canadian Nuclear Laboratories  
Sites: 2020**

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**Rapport de surveillance  
réglementaire des sites des  
Laboratoires Nucléaires  
Canadiens : 2020**

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Commission Meeting

Réunion de la Commission

**November 25, 2021**

**Le 25 novembre 2021**

September 23, 2021

Jesse Fieldwebster, Manager  
Lands, Resources and Consultations  
Métis Nation of Ontario  
311-75 Sherbourne Street  
Toronto, Ontario  
M5A 2P9

**RE: Review of the Canadian Nuclear Laboratories Regulatory Oversight Report for Canadian Nuclear Laboratories Sites: 2020 CMD 21-M32**

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Dear Mr. Fieldwebster,

We have reviewed the Canadian Nuclear Laboratories Regulatory Oversight Report (“ROR”) for Canadian Nuclear Laboratories Sites: 2020 CMD 21-M32 for sufficiency in addressing the concerns of the Métis Nation of Ontario (“MNO”). This Commission Member Document (“CMD”) relates to the ROR for sites operated by Canadian Nuclear Laboratories (“CNL”) for the 2020 calendar year. It is a report on the safety performance of sites that are licensed to CNL and includes details on the protection of people and the environment around those sites.

This ROR purports to integrate feedback from a variety of intervenors to ensure improvement of the report and greater Indigenous involvement. It is specifically related to Chalk River Laboratories (operating), Whiteshell Laboratories (decommissioning), the Port Hope Area Initiative (operating), the Douglas Point Waste Facility (shut down), the Gentilly-1 Waste Facility (shut down), and the Nuclear Power Demonstration Waste Facility (shut down).

Please see below for a summary of key comments for consideration; as well as a more detailed review table located in Appendix A.

### **Key Comments**

Overall, the regulatory oversight report found that safety of CNL operations was satisfactory. Food grown or living nearby is safe to eat, and water is safe to drink; there were no releases that could have harmed human health or the environment. Overall, in 2020, there were less inspections of the CNL site due to the ongoing COVID-19 pandemic, however all 30 notices of non-compliance issued to CNL were low risk and corrected.

While the Indigenous engagement described within the ROR appears satisfactory, because it is not disaggregated, it is difficult to identify which activities were specifically undertaken with the Métis Nation of Ontario. It is recommended that, for future iterations of ROR, that an appendix be added which can include more specific details of Indigenous engagement by development, and by nation.

Further, as the Métis Nation of Ontario has been involved in the regulatory processes for a variety of the developments, and various commitments from the CNSC and CNL have arisen throughout those consultation/engagement processes, the ROR should describe and track the completion of commitments made which may not specifically be captured in current regulatory compliance documents

(e.g., Appendix C, D or G). This will ensure ongoing commitments made to the Métis Nation of Ontario on the environment, protection of your rights, and ongoing monitoring/decommissioning can be tracked; and compliance by CNL with the commitments can contribute to the regulatory lifecycle of the projects.

Overall, we hope this review sufficiently informs the MNO and informs any Indigenous oral knowledge you will share with the CNSC and CNL. We further hope this review can be used by the MNO to assist in developing a written submission on the regulatory oversight report which can improve future iterations to the benefit of the Métis Nation of Ontario.

Sincerely,



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# Appendix A

## Table 1 – Regulatory Oversight Report Review

Report Section		MNO Comment
1.	1.0 Introduction, Page 4 (PDF Page 12)	<p>The “Changes to 2020 Regulatory Oversight Report” section indicates some changes to improve the report from previous years, including inclusion of specific details related to Indigenous nations traditional territories within the regulatory oversight report and presentation. These changes still do not address the unique constitutional rights held by the Métis Nation of Ontario. Indigenous input (via the engagement process) should be present throughout the other sections of the report.</p> <p>For example, within this section it states: “For the purposes of the <i>Nuclear Safety and Control Act</i> [1], and its associated regulations, the CNSC regulates Canada’s nuclear industry to protect the health, safety, security and the environment; to implement Canada’s international commitments on the peaceful use of nuclear energy; and to disseminate objective scientific, technical and regulatory information to the public.”</p> <p>In order to be reflective of Indigenous engagement, which must be separate and unique from public engagement, this section should specify: For the purposes of the <i>Nuclear Safety and Control Act</i> [1], and its associated regulations, the CNSC regulates Canada’s nuclear industry to protect the health, safety, security and the environment; to implement Canada’s international commitments on the peaceful use of nuclear energy; and to disseminate objective scientific, technical and regulatory information to the public and <b>Indigenous Nations</b> [emphasized text added].</p>
2.	2.0 Canadian Nuclear Laboratories, Page 5 (PDF Page 13) – Page 13 (PDF Page 21)	This section includes a brief overview of each CNL site. However, there is no overview of Indigenous engagement either completed or ongoing for each development. A brief paragraph should be added to future Regulatory Oversight Reports.
3.	3.1 Regulatory Activities, Page 14 (PDF Page 22)	This section outlines the precise number of hours CNSC staff spent working on licensing and compliance activities with respect to CNL sites. It would be helpful to know, of the 23,000 hours spent on licensing and 13,300 hours spent on compliance, how many of those hours were dedicated to Indigenous engagement on those activities.

Report Section		MNO Comment
		Please provide an overview of hours spent on Indigenous engagement for both licensing and compliance activities for future iterations of the Regulatory Oversight Report.
4.	3.1 Regulatory Activities, Page 14 (PDF Page 22)	<p>This section specifies that Appendix C provide a summary of licensing activities, Appendix D provides a list of CNSC regulatory documents implemented at CNL sites and used by CNSC staff for compliance and verification, and Appendix G describes the regulatory effort. For example, within Appendix D, Table D-4 outlines the regulatory documents for DP, G-1 and NPD.</p> <p>As the Métis Nation of Ontario has been consulted/engaged by CNL and the CNSC in relation to these (and other) developments, how are the ongoing commitments made within the consultation/engagement process tracked? It would be helpful to have an ongoing commitment table with status in order to understand the ongoing engagement activities and commitments implemented as part of future Regulatory Oversight Reports.</p> <p>Additionally, it would be ideal to have the regulatory effort for consultation and engagement separately identified in future iterations of Regulatory Oversight Reports to allow for evaluation.</p>
5.	4.0 The CNSC's Assessment of Safety at CNL Sites, Page 15 (PDF Page 23)	<p>Please identify which Safety and Control Areas ("SCAs") (i.e., radiation protection, conventional health and safety or environmental protection) are considered to be the most applicable measure for the exercise of Métis rights and interests.</p> <p>As all SCAs have the potential to interact with Métis rights either through potential quantitative measures (e.g., changes to species of importance) or qualitative measures (e.g., perception). All SCAs should describe and connect Métis rights to the discussion of safety at CNL sites.</p>
6.	4.2 Human Performance Management, Page 16 (PDF Page 24)	While it is understood that the personnel training referenced within this section is strictly related to having the knowledge and skills, procedures and tools in place to safely carry out assigned duties. The systematic approach to training outlined within REGDOC-2.2.2 should be applied to ongoing training in relation to Indigenous rights and interests. As the rights of Indigenous peoples are recognized and affirmed by the <i>Canadian Constitution Act, 1982</i> understanding these rights is crucial to allow for identification of potential interactions with any compliance issues in relation to health, safety or the environment.
7.	4.9 Environmental Protection, Page 21 (PDF page 29)	This section outlines that the protection of the environment and the public are assessed in this SCA. It further indicates that effects on people and the environment from facilities or as a result of licensed activities is also covered off within this SCA.

Report Section		MNO Comment
		One key ongoing issue raised throughout the Métis Nation of Ontario's ongoing participation in regulatory processes related to CRL, etc. is the negative perceptions of Métis harvesters and land users related to the operation and decommissioning of nuclear facilities. Did the desktop review referenced include a review of previous regulatory filings and commitments made therein to ensure ongoing post approval commitments are complete/complied with? Without consideration of ongoing commitments to the MNO by CNL, it cannot be concluded that CNL sites are protective of the public (i.e., Indigenous nations).
8.	4.9.3 Assessment and Monitoring, Page 22 (PDF Page 30)	The Métis Nation of Ontario has requested specific ongoing monitoring with respect to various nuclear developments operated/managed by CNL. It would be helpful to have the environmental monitoring programs evaluated to ensure the list is inclusive of those requested by and have involvement from the Métis Nation of Ontario to ensure they are, not only protective of the environment, but also protective of Métis rights and interests.
9.	4.11 Waste Management, Page 25 (PDF page 33)	This section describes decommissioning and remediation activities to reduce legacy liabilities. This include the land use program which was launched in 2020 to ensure a consistent approach and establish/achieve appropriate next land uses and end states for sites being decommissioned and remediated. Please confirm whether the Métis Nation of Ontario was a part of this land use program and how their involvement can influence the end states for sites being decommissioned.
10.	5.3 Indigenous Consultation and Engagement, Page 33 (PDF Page 41)	This section reports on the results of the IEMP and notes that there were no sampling campaigns at CNL sites in 2020. Should sampling campaigns be contemplated in the future, pending applicable COVID-19 restrictions/mitigations, the Métis Nation of Ontario should be involved to ensure the ongoing protection and maintenance of their citizens' rights.
11.	5.3.2 Canadian Nuclear Laboratories, Page 33 (PDF Page 41)	Please include a disaggregated appendix which outlines the specific information shared or engagement activities undertaken with the Métis Nation of Ontario and other Indigenous groups to allow for verification. This appendix should detail activity by development and by nation.