

**Context Panel Member Document:**

**Deep Geologic Repository for Low – and Intermediate-  
Level Waste – Environmental Impact Statement and  
Licence to Prepare Site and Construct Application**

**Analysis of Proposed Information Requests –  
Report # 10 to the Joint Review Panel**

Prepared by: Canadian Nuclear Safety Commission

October 2012

## **EXECUTIVE SUMMARY**

Proposed information requests (IRs) were submitted by:

- The Métis Nation of Ontario in August 2012  
(CEARIS #690 - <http://www.ceaa.gc.ca/050/documents/p17520/80910E.pdf>)
- Inverhuron Ratepayers District Association and Mr. Eugene Bourgeois in August 2012  
(CEARIS #709 - <http://www.ceaa.gc.ca/050/documents/p17520/81131E.pdf>)

In support of the Panel, CNSC staff has undertaken an analysis of the proposed IRs and have provided additional context, as necessary.

**Proposed Information Request from Métis Nation of Ontario**  
**CEAA Registry #690 - <http://www.ceaa.gc.ca/050/documents/p17520/80910E.pdf>**

<b>Information Request #</b>	<b>EIS Section or other technical document</b>	<b>Proposed Information Request</b>	<b>Context</b>	<b>Context provided by CNSC staff</b>
MNO-1	Volume 1, Section 2.3.2 Métis Nation of Ontario Engagement	Please provide a detailed Record of Communication for any engagement or consultation activities conducted with the Métis Nation of Ontario (including Métis Councils) by OPG/NWMO before or after November 20, 2008, including supporting material including meeting minutes, written correspondence, telephone, email, etc. with the MNO. Specifically, the Record of Communication should include supporting material used to create tables or summaries of communication efforts, OTHER THAN the sample meeting minutes of November 24, 2009, Volume 2 Appendix D, p 2323/2372. Please provide confirm if these records were provided to MNO representatives for review prior to adding records for inclusion in EIS.	The EIS Guidelines require the Proponent to describe in the EIS how concerns respecting Aboriginal people will be addressed. The description should include a summary of discussions, the issues or concerns raised, and should consider and describe any asserted or established Aboriginal rights. The current level of detail provided in the EIS is insufficient for a complete review of how EIS results were formulated by the Proponent for the identification of effects and mitigation measures.	The level or degree of detail requested in MNO-1 has not been covered in the EIS submission or previous IRs.
MNO-2	Volume 1, Section 2.1 Communication Plans	Please provide a detailed Record of Communication for activities between OPG/NWMO with any Provincial agency, department, ministry, etc., regarding any advice or “expertise” sought or received from those representatives about conducting Aboriginal consultation or engagement	JRP Document #533 - Response to the April 5, 2012 letter from the DGR JRP dated May 22, 2012 Deputy Minister Correspondence to Project JRP, Ontario Ministry of Aboriginal Affairs. Given the OPG sole shareholder is the Government of Ontario, presumably OPG	The level or degree of detail requested in MNO-2 has not been covered in the EIS submission or previous IRs.

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		<p>activities with Métis communities in Ontario; specifically if consultation plans or strategies developed by OPG/NWMO were provided to any provincial representatives for review or approval, and; if the Ontario Government provided any “assistance in identifying...Métis communities” requiring Aboriginal consultation for this Project to the Proponent.</p>	<p>has access to all expertise and knowledge held by the Government of Ontario. It would be helpful to ascertain at what point the Government of Ontario had real or constructive knowledge of Métis rights in this area and if this was communicated to OPG/NWMO in a timely manner to facilitate MNO involvement in the development or execution of the EIS, including integration of Traditional Land Use Study information and identification of potential adverse effects to the exercise of MNO Section 35 rights.</p>	
MNO-3	JRP Material	<p>Please provide a copy of the Preliminary Assessment of the Strength of Case conducted by CNSC, and timing of its development used to formulate the CNSC consultation plan or other guidance documents with respect to MNO (including Métis Councils) for this Project. Please include information regarding any assessment of the asserted Métis rights, as well as information relating to the Pre-Consultation Analysis completed by the CNSC. Please provide support for the CNSC rationale, “no other Aboriginal traditional use practiced on site” as referenced on page 14/32 of presentation. Finally, please provide a</p>	<p>JRP Document #654 – Note to File CNSC Crown Consultation Coordinator Briefing, dated July 3, 2012</p>	<p>CNSC staff is meeting with the MNO on October 18, 2012. This request will be discussed with the MNO to determine whether or not they want this information submitted directly to the MNO or to the JRP (and on the CEAA Registry).</p> <p>Reference to Strength of Case: no such document has been formally prepared. Rather, the CNSC contacted Aboriginal Affairs and Northern Development Canada to confirm a preliminary list of Aboriginal groups who CNSC staff thought may have an interest or may be</p>

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		detailed Record of Communication as to how or if this information was shared with OPG/NWMO to enable timely and meaningful Aboriginal consultation activities by OPG for this Project.		potentially impacted by the construction and/or operation of the DGR project.
MNO-4	JRP Material	Please provide a detailed Record of Communication between CNSC and MNO, including meeting minutes, emails, phone calls, etc., referred to in Section 4, page 7, Document #522.	JRP Document #522 – CNSC Summary of Aboriginal Crown Consultation Completed To-Date (From CNSC to JRP), dated May 4, 2012 The current level of detail provided by CNSC on the Crown Aboriginal Consultation Process is insufficient to facilitate the MNO in the development of comments for this Project.	CNSC staff is meeting with the MNO on October 18, 2012. This request will be discussed with the MNO to determine whether or not they want this information submitted directly to the MNO or, to the JRP (and on the CEAA Registry).

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MNO-5	Volume 1 Section 5.1.3 Site Study Area	Please provide any information regarding how the “existing license exclusion zone” within Lake Huron was originally identified and delineated, specifically any consultation with Aboriginal groups to identify the extent of that zone; and when that zone was identified.	The MNO requires additional information not provided in the EIS regarding a potential legacy issue that will affect their review.	<p>The existing licensed exclusion zones are associated with the nuclear generating stations on the Bruce Nuclear site. The exclusion zones are defined in the Class I Regulations as follows:</p> <p>“exclusion zone” means a parcel of land within or surrounding a nuclear facility on which there is no permanent dwelling and over which a licensee has the legal authority to exercise control.”</p> <p>The level or degree of detail requested in MNO-5 has not been covered in the EIS submission or previous IRs.</p>

**Proposed Information Request from Inverhuron District Ratepayers Association and Mr. Eugene Bourgeois**  
**CEAA Registry #709 - <http://www.ceaa.gc.ca/050/documents/p17520/81131E.pdf>**

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IDRA-1	<p>EIS Table 6.4.7-2 Provincially Significant Wildlife Species in the Local Study Area based on a review of the Natural Heritage Information Centre Database</p> <p>Golder Report Terrestrial Environment Technical Support Document, Table 5.8.2-2: Provincially Significant Wildlife Species in the Local Study Area Based on a review of the NHIC Database.</p>	<p>Please provide a detailed record of the searches completed to identify species and the rationale for not conducting field studies to ascertain species of natural conservation status as a federal, provincial, regional or local level and their critical habitats in the Study Area, and support for the statement made in Document 683 that "there have been no records since 1990 of eastern foxsnake occurring in proximity to the DGR Project site", and the conclusions that the species identified are not of concern for the DGR project.</p> <p>Please provide a record of the searches completed on the significant species and an explanation for the classification or failure to update the status of the following species:</p> <ul style="list-style-type: none"> <li>• <i>Regina septemvittata</i>, Queensnake, listed as Threatened in the Golder report and EIS -status changed to Endangered in April 2010</li> <li>• <i>Pantherophis gloydi</i>, Eastern Foxsnake, listed as Threatened in the Golder report and EIS - status of Great Lakes / St. Lawrence population designated</li> </ul>	<p>The local residents have reported sightings of several species of concern in the Local Study Area. Most notably there is a report of an Eastern Foxsnake by an area resident. At the time of the sighting the species was confirmed as the Eastern Foxsnake by a biologist visiting the area and it was reported to MNR.</p> <p>The local residents also report that Eastern Millsnakes, Bobolink and Barn Swallows live in the area along with the existence of Indian Cord Grass.</p> <p>The level of detail provided in the EIS is insufficient and impedes the ability of IDRA and Mr. Bourgeois to comment on the project.</p>	<p>The subject table should be updated in light of recent information available on these species.</p>

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		<p>Endangered in April 2008</p> <ul style="list-style-type: none"> <li>• <i>Caprimulgus vociferous</i>, whip-poor-will, is not classified in the Golder Report or EIS - status changed to Threatened in April 2009</li> <li>• <i>Melanerpes erythrocephalus</i>, red-headed woodpecker, listed as a species of concern in the Golder report and EIS - status changed to Threatened in April 2007.</li> </ul>		
IDRA-2	<p>Section 5.3 Valued Ecosystem Components</p> <p>“From an ecological perspective, VECs can represent features or elements of the natural environment (e.g. a local wetland or stream) considered to be culturally or scientifically important...”</p> <p>Terrestrial Environment, Technical Support Document, Section 4 Selection of VECs</p>	<p>Please provide a detailed record of the rationale for excluding mushrooms (and <i>Boletus edulis</i>) as a VEC in the DGR EIS despite having voluminous amounts of information, studies and field work on wild mushrooms from their inclusion as a VEC in the Radioactivity TSD in the EIS completed for the Bruce NEW Nuclear Power Plant Project EIS because of their ability to absorb radioactivity and the potential effects of radiation on the viability of the species.</p>	<p>Mushrooms (and <i>Boletus edulis</i>) have been identified as a common species in the Region and OPG has completed a significant amount of field work to investigate the ways in which radioactivity is absorbed and collected in the mushrooms and there is no rationale for using this species as a VEC in the DGR EIS.</p> <p>The information provided in the EIS fails to outline the methodology used to choose the VECs and does not provide supporting documentation of the radionuclides investigated, nor does it establish a set of baseline data.</p> <p>The level of detail provided in the EIS</p>	<p>Mushrooms (including <i>Boletus edulis</i>) are excluded because they are typically accumulators (in some instances in large quantities) of Cs-137, a radionuclide associated with atomic bomb test fall-out and/or reactor accidents resulting in release of radioactivity (e.g. Chernobyl). As such, they are not an appropriate VEC for this project. The plant species selected as VECs for the terrestrial environment are, therefore, adequate.</p>



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	Bruce New Nuclear Power Plant Project, Environmental Impact Statement section 2.2.6 Valued Ecosystem Components Tables 9.2.11.2-1, 9.3.5.2-9, 9.5-1, 10-3, 10-4, and 14.2.5-2		is insufficient and impedes the ability of the IDRA and Mr. Bourgeois to formulate a comprehensive set of comments on the Project.	
IDRA-3	<p>Section 5.3 Valued Ecosystem Components</p> <p>“From an ecological perspective, VECs can represent features or elements of the natural environment (e.g. a local wetland or stream) considered to be culturally or scientifically important...”</p> <p>Terrestrial Environment, Technical Support Document, Section 4 Selection of VECs</p>	Please provide a detailed record of the rationale for including mushrooms as a parameter for the Radiological Monitoring Program (REMP) but failing to include wild mushrooms as a VEC in the Terrestrial Environment TSD.	<p>The EIS Guidelines require the Proponent to describe in the EIS the general criteria used to identify VECs that may be affected by the Project. The EIS must identify the methods used to predict and assess the effects of the Project on VECs and is required to explain the criteria used to assign significance ratings to any predicted adverse effects.</p> <p>Although included as a VEC for the Radiological Monitoring Program mushrooms were excluded as a VEC from the Terrestrial Environment despite having a significant amount of data and research on mushrooms from previous studies.</p> <p>The level of detail provided in the EIS</p>	<p>The Radiological Monitoring Program (REMP) is designed to monitor radiation in the environment surrounding a nuclear power plant to assess any radiological impact to the public. It is designed to demonstrate that emissions of radioactive materials at the facility are properly controlled and to provide data for evaluation of assumptions and transport models used to calculate station derived release limits and doses to the public. Mushrooms are included in this program to assess whether Cs-137 is present, over the background levels, in the environment near the facility.</p> <p>For further information on inclusion of mushrooms as a VEC in the</p>

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			is insufficient and impedes the ability of the IDRA and Mr. Bourgeois to formulate a comprehensive set of comments on the Project.	terrestrial environment, see response to IDRA-2, above.