



Supplementary Information

Renseignements supplémentaires

**Writing submission from
Atomic Energy of Canada Limited**

**Mémoire d'
Énergie atomique du Canada limitée**

In the Matter of the

À l'égard des

**Canadian Nuclear Laboratories,
Chalk River Laboratories**

**Laboratoires Nucléaires Canadiens,
Laboratoires de Chalk River**

Application to amend its Chalk River Laboratories site licence to authorize the construction of a near surface disposal facility

Demande visant à modifier le permis du site des Laboratoires de Chalk River pour autoriser la construction d'une installation de gestion des déchets près de la surface

**Commission Public Hearing
Part 2**

**Audience publique de la Commission
Partie 2**

May 30 to June 3, 2022

30 mai au 3 juin 2022



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Land Acknowledgement

AECL sites and CNL operations are situated on the traditional land and territories of Indigenous peoples. We are committed to engaging with Indigenous peoples through open-ended conversations, and establishing meaningful relationships built on trust and transparency. Our approach to engaging with Indigenous peoples is centered around listening, understanding, learning, and taking meaningful actions to advance reconciliation with the Indigenous communities on the land on which we operate.

Introduction

Atomic Energy of Canada Limited (AECL) is a federal Crown corporation with a mandate to enable nuclear science and technology and to protect the environment by fulfilling the Government of Canada's radioactive waste and decommissioning responsibilities. AECL owns the sites, assets and liabilities carried out under this mandate. Our sites are operated under a Government-owned Contractor-operated (GoCo) model, whereby our contractor, Canadian Nuclear Laboratories (CNL), operates our sites, holds any necessary licences and is the licensee under the Nuclear Safety and Control Act. AECL provides all the necessary funding to CNL in order to carry out these activities for AECL.

As expressed in our written and oral interventions to the CNSC's public hearings on the CNL's proposed Nuclear Surface Disposal Facility (NSDF), AECL fully supports this proposal, subject to the final approval by the Commission. This proposed project would facilitate the disposal of the majority of AECL's low-level radioactive waste currently in interim storage as well as that generated from building decommissioning, land remediation, and ongoing research at the Chalk River Laboratories. AECL and CNL are committed to remediating the Chalk River and all of AECL's sites as well as to managing the low-level waste now, rather than leaving it to future generations. The proposed NSDF is a critical component of AECL's commitment to environmental stewardship and our radioactive waste management mandate.

AECL remains committed to engaging with Indigenous Nations and communities in an open and collaborative way to work towards mutual understanding and opportunities for mutual benefit, and to enable healing and reconciliation. We are committed to establishing lasting relationships with Indigenous peoples aligned with the principles of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), and we continue to work closely with Indigenous communities in their territory where AECL sites are located, including the Chalk River site.

At the conclusion of the CNSC's public hearings on the NSDF held in Pembroke in May-June 2022, the President and CEO of AECL, Fred Dermarckar, made four commitments on behalf of our organization that are driving us forward on the beginning of our reconciliation journey:

1. Listening, understanding, improving, and taking meaningful actions to advance reconciliation with Indigenous Nations and communities on whose lands we operate;
2. Continuous learning about Indigenous history, culture, traditions, and worldviews;



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3. Integrating Indigenous knowledge and values into AECL's policies, procedures, practices, and projects so that they become embedded in all that we do; and,
4. Finding ways to empower and enable Indigenous Nations and communities to participate in projects across AECL sites, contributing to the economic prosperity of these communities.

Punctuating these commitments, on June 3, 2022, AECL President Dermakar reinforced: *“Making a commitment creates hope. But hope is not enough. Delivering on a commitment builds trust. And the building of trust is our objective.”*

Before speaking to the implementation of the Procedural Direction, AECL would like to reiterate that we are at the beginning of our reconciliation journey. We have reiterated our four corporate commitments in our 22/23 Corporate Plan and our ever first Environmental, Social and Governance (ESG) Annual Report for 2022, both of which were published after last year's public hearings. We understand the importance of establishing an AECL Reconciliation Action Plan (RAP), which is planned for FY2024/25, which aims to bolster and enrich our ongoing engagement efforts. AECL remains committed to establishing and maintaining relationships and meaningfully engaging with Indigenous peoples on the NSDF Project, today and in the longer term.

Along with CNL, AECL has been engaging with Kebaowek First Nation (KFN) and the Kitigan Zibi Anishinabeg First Nation (KZA) regarding the NSDF project. The Procedural Direction, issued by the Commission on July 5, 2022, has enabled us the opportunity to further our relationships and to progress our engagement with these two First Nations. AECL would like to acknowledge the efforts of both KFN and KZA, as well as CNL, over the last year. It has allowed us to strengthen our relationships and to conclude collaborative agreements, studies and to have meetings with the communities. We have appreciated the opportunity afforded by the Procedural Direction to engage with the KFN and KZA on the NSDF project. We have all benefited from this additional work together. It has helped us to build a foundation on which to continue our relationships both for and well beyond the NSDF project.

Kebaowek First Nation (KFN)

The KFN is one of the nine currently federally recognized Algonquin communities in Quebec. Their community, formerly known as Eagle Village First Nation, is located on the shore of Lake Kipawa to the northeast of Temiscaming, Quebec, and is approximately 150 km measured in a straight line from the Chalk River site and the proposed NSDF project. AECL had engagements with KFN prior to the issuance of the Procedural Direction but afterwards AECL believes that the relationship since has significantly strengthened. For example, AECL and CNL leadership have developed a relationship which has built trust to allow for communication pathways for escalation management of issues as they have arisen during the implementation of the Procedural Direction.

Following the Procedural Direction on July 5, 2022, the President and CEO of AECL, Fred Dermakar, and the President and CEO of CNL, Joe McBrearty, sent a letter to the Chief of KFN, Lance Haymond, on July 19, 2022, expressing a desire to strengthen relationships and to meet in-person to discuss the NSDF



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project and the path forward. Subsequently, AECL's President, along with others from AECL and CNL, were pleased to accept an invitation to meet in-person with Chief Haymond, Council and other KFN representatives on August 31, 2022, at Fitzpatrick Island, near Pembroke, Ontario. The meeting featured a walk on the ecologically diverse island as well as lunch and discussions/ceremony on the shore of the Ottawa River. During the meeting, Chief Haymond expressed his concerns about the NSDF project, indicated that he had visited the Chalk River site during the open house that was held earlier in the month and also extended an invitation for CNL and AECL leadership to visit the KFN community.

During these and the succeeding months, AECL representatives participated in routine monthly and, when necessary, special meetings with KFN and CNL representatives. These meetings were designed to better understand KFN's concerns, to advance information requirements that KFN needed for their participation in the Procedural Direction process, including field work on-site at the Chalk River site, and to conclude a Framework Agreement between AECL, CNL and KFN for capacity building and information exchange. Generally, these meetings advanced the relationship and understanding amongst all parties, noting specific areas of focus regarding the methodology for the conduct of wolf studies on the Chalk River site.

AECL, CNL and KFN were scheduled to have an in-community meeting with KFN on December 15, 2022, before the CNSC scheduled its 'case management' conference on December 14, 2022, to discuss the request by KFN, dated December 5, 2022, to extend the Procedural Direction and to permit oral interventions. The objectives of the case management conference, which was attended by the Chiefs from both KFN and KZA as well as senior representation from AECL, CNL and CNSC, did not seem clearly understood by all parties and did not advance the relationships that were developing. In particular, KFN indicated, in the case management call, that it did not see a strong rationale to continue with the following day's planned in-community meeting with AECL and CNL. Interventions by AECL President Dermarkar kept the meeting on-track and the following day AECL and CNL leadership met with KFN in their community on December 15, 2022. These meetings resulted in AECL and CNL better understanding KFN's position and advocating for an extension to the original Procedural Directive timelines in order to allow additional time for KFN and CNL to work together. This position was documented to the CNSC Registrar in a letter, dated December 15, 2022.

Then, on January 13, 2023, AECL hosted Chief Haymond and representatives from CNL in our Ottawa offices to discuss the path forward on the Procedural Direction activities and to conclude the Consultation and Engagement Framework amongst AECL, CNL and KFN. This formalized the relationship amongst the parties, provides greater certainty on capacity building for field work related to KFN's interests in regards to the NSDF project specifically and serves as a good basis for future collaboration and cooperation.

Throughout the implementation of the Procedural Direction, it was clear that protection and preservation of wildlife, particularly the wolf population on the CRL site, were a priority for KFN and CNL. The efforts, including successes and challenges, by both CNL and KFN, on their field work will be well-documented in their respective submissions to the Commission. From our perspective, the Procedural



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Direction allowed both KFN and CNL to engage collaboratively on these objectives, balancing incorporating KFN's indigenous methodologies and CNL health and safety/security protocols.

Overall, AECL believes that the Procedural Direction helped our organization as well as CNL and KFN to strengthen our relationship. It allowed the opportunity for KFN to better understand the project and for KFN to express their interests, perspectives and concerns regarding the NSDF project.

Kitigan Zibi Anishinabeg First Nation (KZA)

The KZA is one of the nine currently federally recognized Algonquin communities in Quebec. The community resides on reserve lands that were founded in 1851. It is also known as the River Desert Band or Maniwaki. The main reserve location is situated to the south-west of the borders of Maniwaki in the Outaouais region of Quebec, on the west bank of the Gatineau River approximately 113 km from the NSDF site.

Following the Procedural Direction on July 5, 2022, the President and CEO of AECL, Fred Dermakar, and the President and CEO of CNL, Joe McBrearty, sent a letter to the Chief of KZA, Dylan Whiteduck, on July 19, 2022, expressing a desire to strengthen relationships and to meet in-person to discuss the NSDF project and the path forward. Unfortunately, to date, despite this letter and a subsequent leadership letter issued by AECL and CNL on February 17, 2023 as well as informal telephone calls etc, no leadership meeting has yet occurred between AECL, CNL and KZA. Efforts continue to establish leadership engagement.

That said, AECL was pleased to see KZA representatives participate in CNL's Environmental Stewardship Council (ESC) meeting on July 28, 2022, which was held at the Chalk River site. Following the ESC meeting, KZA representatives then visited the Chalk River site again in August 2022, which included an overview and walkdown of the NSDF project as well as an offer by CNL to continue to support and assist KZA on their community engagement activities. Following some additional information exchanges, including information on the NSDF project and commitments, in October 2022, KZA expressed interest in a tripartite in-community meeting with AECL and CNL. CNL proposed several dates – and a meeting date was eventually decided, which included CNSC participation, on November 17, 2022. While AECL representatives had planned to participate in the community meeting, the day before, KZA expressed their preference to limit the meeting to CNL and CNSC representatives only – but in the end, indicated that AECL could participate as an observer via an audio connection. AECL did observe the meeting and was grateful to do so.

In late February 2023, KZA informed CNL that their leadership was interested in developing a long-term agreement with CNL and AECL. KZA requested a meeting, at the working level. CNL provided agreement templates and worked with KZA to plan monthly meetings. Monthly meetings have started – and AECL has been, and will be in the future, a regular participant in these meetings. Outlines of agreement templates have been shared with KZA for their consideration.



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The Procedural Direction has helped AECL and CNL to build relationships with KZA – and it has afforded, in AECL’s opinion, the opportunity to KZA to better understand the project and to express their interests in their upcoming submission to the Commission. AECL looks forward to continuing to strengthen our engagement with KZA on the NSDF project and other matters of interest relating to AECL and CNL activities in the future.

Conclusion

AECL would like to express its appreciation to both KFN and KZA for their efforts in implementing the CNSC’s Procedural Direction associated with the NSDF project. AECL would also like to recognize CNL, as well as CNSC staff, on their efforts to respond to the Commission’s request for further engagement and consultation on the NSDF project.

AECL would like to assure the Commission that it continues to implement our four commitments cited above that were made during the hearing in June 2022 and believes that the Procedural Direction process has afforded all of the parties the opportunity to strengthen their relationships and to improve their lines of communication. Through the Procedural Direction process, AECL has had the opportunity to learn more about the concerns expressed by KFN and KZA and to better understand their perspectives, especially regarding the protection of the Ottawa River. Also, through the process, we believe that KFN and KZA have had the opportunity to learn more about the project and its objectives as well as its potential impacts on their rights and interests. AECL looks forward to final filings by all the parties subject to the Procedural Direction, including KFN, KZA, CNL and CNSC staff.

In conclusion, AECL believes that all parties have benefited from this additional time to work together. It has helped us to build a foundation on which to continue our relationships both for and well beyond the NSDF project. AECL remains committed to strengthening our relationships and to meaningfully engaging with KFN and KZA, presently and in the long term.