



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

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

In the Matter of the

À l'égard des

Canadian Nuclear Laboratories (CNL)

Laboratoires Nucléaires Canadiens (LNC)

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

Demande des LNC 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 and June 2022

Mai et juin 2022



Final Summary Submission to CNSC for NSDF Project

June 6, 2023

Page 1 of 4

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.

The purpose of this submission is to summarize AECL's views as presented during the Part 2 public hearing process for the Near Surface Disposal Facility (NSDF) as proposed by CNL to the Commission and to reiterate AECL's commitment to Indigenous engagement and reconciliation as well as to summarize our perspectives on the implementation of the Commission's Procedural Direction issued in July 2022 associated with this process.

Summary of AECL's Position on the Near Surface Disposal Facility (NSDF)

As stated in our submissions to the Part 2 public hearings in May-June 2022, CNL's proposed NSDF will address AECL radioactive waste liabilities. Roughly 95% of the radioactive waste to be emplaced in the proposed near surface disposal facility is AECL-owned waste produced as a result of decades of nuclear science and technology for the benefit of Canadians, with the remaining 5% coming from other Canadian producers, such as hospitals and universities.

Under the GoCo contract arrangement, AECL set the objective for CNL to accelerate the development of a preferred site for low-level waste disposal as well as to present options and a recommendation to AECL for a preferred disposal method that best addresses the needs for low-level waste streams, particularly at the Chalk River Laboratories. The expectation set by AECL acknowledged that, following AECL's acceptance of CNL's recommendation, that CNL would present the proposal to the regulatory authority, the Canadian Nuclear Safety Commission, for initiation of the licensing amendment process. As the site owner responsible for the oversight of the GoCo contract, AECL reviewed and accepted CNL's recommendation to construct and operate a near surface disposal facility at the Chalk River Laboratories



Final Summary Submission to CNSC for NSDF Project

June 6, 2023

Page 2 of 4

and agreed to fund further development of the proposal, including studies and analysis to support the application before the Commission.

AECL fully supports this proposal, subject to the Commission being satisfied that the proposal meets all regulatory, safety and environmental protection requirements. This proposed project would facilitate the disposal of the majority of AECL's low-level waste currently in interim storage, as well as that generated from building decommissioning, land and soil remediation, and ongoing research at the Chalk River Laboratories. AECL and CNL are committed to remediating the Chalk River site and to managing the low-level waste now, rather than leaving it to future generations. The proposed near surface disposal facility is a critical component of AECL's commitment to environmental stewardship and our radioactive waste mandate.

As owner of the Chalk River Laboratories site and ultimately, if approved, owner of the proposed near surface disposal facility, AECL remains responsible for the liabilities for all phases of these endeavours, including construction, operations, closure and post-closure. The full life-cycle of AECL's liabilities are accounted for and backed up by financial guarantee provided by the Government of Canada.

Indigenous Engagement and Reconciliation

An important aspect of this project and process is Indigenous engagement and reconciliation. 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 Dermakar, 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;
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.



Final Summary Submission to CNSC for NSDF Project

June 6, 2023

Page 3 of 4

Punctuating these commitments, on June 3, 2022, AECL President Dermarkar 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.”*

Implementation of the Procedural Direction

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.

On May 1, 2023, AECL made a written submission to the Commission as a matter of public record on its views and activities regarding the implementation of the Procedural Direction. It is not necessary to repeat the details here, but AECL would like to reiterate 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.

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.

Additional Indigenous Engagement to Strengthen Long-term Relationships

Regarding Indigenous engagement and consultation on the NSDF project, AECL has also taken steps, along with CNL, to strengthen our long-term relationships with Indigenous Nations and communities that participated in the NSDF process. Specifically, AECL and CNL have devoted extra efforts to establish a meaningful and long-term relationship with the Algonquins of Pikwakanagan First Nation (AOPFN). As the AOPFN is the closest rights-bearing first nation to the NSDF project and to the Chalk River Laboratories site, our relationship with them is important and we would like to reassure the Commission that we will continue to work with them into the future on better integration of their perspectives and interests into the site’s activities.



Final Summary Submission to CNSC for NSDF Project

June 6, 2023

Page 4 of 4

Conclusion on Indigenous Engagement and Reconciliation

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 Indigenous groups and communities, presently and in the long term.

Conclusion

In summary of the NSDF project, AECL fully supports this proposal, subject to the Commission being satisfied that the proposal meets all regulatory, safety and environmental protection requirements. This proposed project would facilitate the disposal of the majority of AECL's low-level waste currently in interim storage, as well as that generated from building decommissioning, land and soil remediation, and ongoing research at the Chalk River Laboratories. AECL and CNL are committed to remediating the Chalk River site and to managing the low-level waste now, rather than leaving it to future generations. The proposed near surface disposal facility is a critical component of AECL's commitment to environmental stewardship and our radioactive waste mandate.

In summary of Indigenous engagement and reconciliation, 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. 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.