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**Written submission from the
Algonquins of Pikwakanagan
First Nation**

**Mémoire de la
Première Nation des Algonquins
de Pikwakanagan**

**Regulatory Oversight Report for
Uranium and Nuclear Substance
Processing Facilities in Canada: 2022**

**Rapport de surveillance réglementaire
des installations de traitement de
l'uranium et des substances nucléaires
au Canada :2022**

Commission Meeting

Réunion de la Commission

December 13-14, 2023

13-14 décembre 2023



*Algonquins of Pikwàkanagan
First Nation*

THE ALGONQUINS OF
PIKWAKANAGAN FIRST NATION'S
SUBMISSION ON THE REGULATORY
OVERSIGHT REPORT FOR
URANIUM AND NUCLEAR
SUBSTANCE PROCESSING
FACILITIES IN CANADA: 2022

October 30th, 2023

Prepared by the Algonquins of Pikwàkanagan First Nation. This submission was funded by the Canadian Nuclear Safety Commission's Participant Funding Program.

In addition to the following written submission, AOPFN wishes to also intervene by way of oral presentation at the Commission Meeting on December 13-14, 2023.

Amanda Two-Axe Kohoko
1657 Mishomis Inamo
Pikwàkanagan, ON K0J 1X0

Tel: 613-625-4010

Consultation@pikwakanagan.ca



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LIST OF ACRONYMS

| Acronym | Definition |
|----------------|--|
| AAC | AOPFN Advisory Committee |
| AOPFN | Algonquins of Pikwàkanagàn First Nation |
| ARSCA | Aboriginal Rights Safety and Control Area |
| BTL | Best Theratronics Ltd. |
| BWXT | BWXT Medical Ltd. |
| CNL | Canadian Nuclear Laboratories |
| CNSC | Canadian Nuclear Safety Commission |
| CRL | Chalk River Laboratories |
| FPIC | Free, Prior and Informed Consent |
| IAEA | International Atomic Energy Association |
| IEMP | Independent Environmental Monitoring Program |
| LTRA | Long-term Relationship Agreement |
| Nordion | Nordion (Canada) Inc. |
| NWMO | Nuclear Waste Management Organization |
| PFP | Participant Funding Program |
| ROR | Regulatory Oversight Report |
| SCA | Safety and Control Area |
| SRBT | SRB Technologies (Canada) Inc. |
| UNDRIP | United Nations Declaration on the Rights of Indigenous Peoples |
| UNSPF | Uranium and Nuclear Substance Processing Facility |



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EXECUTIVE SUMMARY

This submission provides comments from the Algonquins of Pikwàkanagàn First Nation (AOPFN) on the Canadian Nuclear Safety Commission's (CNSC) *2022 Regulatory Oversight Report (ROR) for Uranium and Nuclear Substance Processing Facilities*¹. This submission is based on a review of the ROR and our experiences working with the CNSC and with the facilities located on our traditional and unceded territory. The relevant facilities covered in this ROR are:

- Best Theratronics Ltd. (BTL)
- BWXT Medical Ltd. (BWXT)
- Nordion (Canada) Inc. (Nordion)
- SRB Technologies (Canada) Inc. (SRBT)

These facilities may be referred to collectively as “the UNSPFs” or “the licensees” in this submission.

This submission has two parts:

1. Part one provides detailed comments on the ROR and AOPFN's experiences with the CNSC in 2022.
2. Part two includes a thorough review of the UNSPF's 2022 operations.

AOPFN appreciates the funding received through the CNSC's Participant Funding Program (PFP) to participate in this regulatory review.

We have developed a series of recommendations to help the CNSC and the UNSPF's further improve their collaboration and relationships with our Nation. These can be found in Table 1.

¹ Canadian Nuclear Safety Commission. 2023. *Annual Program Report: Canadian Nuclear Laboratories Regulatory Oversight Report for Uranium and Nuclear Substance Processing Facilities: 2022*.



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Table 1: Recommendations Summary

| Recommendation Topics | Relevant in-text recommendations |
|--|---------------------------------------|
| The CNSC to consult with AOPFN prior to the ROR being published to receive our feedback on AOPFN’s perspectives and experiences regarding how the UNSPFs are operating in AOPFN territory and regarding our progressing relationship with CNSC. | See Recommendation 3 |
| The CNSC must report to AOPFN to explain how our reviews, comments and feedback are incorporated into RORs, reviews of annual work activities, and permit reviews and decisions. | See Recommendations 4 and 10 |
| The CNSC and the UNSPFs must commit to further transparency and communication. This includes more active engagement with our Nation prior to decisions being made on what is planned for facilities and activities, regular communications on any events that take place, and a focus on plain language and dialogue rather than monologue. | See Recommendations 3, 5, 6, 7, and 8 |
| The CNSC must provide detailed and accessible information in their reporting regarding how licensee activities and performance are evaluated. This includes UNSPF performance on standard and Aboriginal Rights SCAs as well as licensee engagement activities. | See Recommendations 3 and 9 |
| The CNSC and UNSPFs must incorporate Algonquin Knowledge and Indigenous perspectives on wellness and health into the ROR and monitoring including adopting additional risk assessment parameters. This can only be achieved with support from Indigenous groups. | See Recommendations 8 and 10 |
| The CNSC and UNSPFs must collaborate with AOPFN to include AOPFN’s Aboriginal Rights Safety and Control Areas (ARSCA) Criteria into future drafts of RORs and ensure they AOPFN co-approve the outcomes. | See Recommendations 1 and 2 |
| The CNSC must review and apply previous AOPFN recommendations, as provided regarding the 2021 UNSPF ROR. | See Recommendation 11. |



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PART 1. AOPFN'S REVIEW OF THE REGULATORY OVERSIGHT REPORT AND CNSC ENGAGEMENT WITH AOPFN

Introduction

The *2022 Regulatory Oversight Report* (ROR or “the Report”) provides a high-level summary of the UNSPF’s regulatory performances during 2022. The Report covers the regulatory oversight activities conducted by both the CNSC and the International Atomic Energy Agency (IAEA) over the course of the year and contains information for interested parties to understand the overall regulatory performance of the UNSPFs. Figure 1 indicates the locations of all four relevant UNSPFs in AOPFN Traditional Territory.

AOPFN has organized this section into two subsections. First, AOPFN provides a high-level review of the ROR and identifies some key concerns with the document. Second, AOPFN identifies gaps in the ROR and provides an overview of areas for improvement.

High-level Review of the ROR

The ROR presents CNSC’s high-level summary of its measurement of the UNSPFs’ performance during 2022, evaluated across the CNSC’s standard set of 14 Safety and Control Areas (SCAs). The document draws on a wide range of regulatory oversight activities performed by the CNSC. AOPFN’s review is focused on the four UNSPFs located in our traditional territory: Best Theratronics Ltd. (BTL), BWXT Medical Ltd. (BWXT), and Nordion (Canada) Inc. (Nordion) in Ottawa; and SRB Technologies (Canada) Inc. (SRBT) in Pembroke.

Though AOPFN appreciates the CNSC’s funding to allow AOPFN the opportunity to conduct our own assessment of UNSPF performance against our Aboriginal Rights Criteria², we are very disappointed to find that these criteria appear nowhere in the CNSC’s own reporting. The Aboriginal Rights Safety and Control Area Criteria (“ARSCA Criteria”) were developed by AOPFN in collaboration with Sagkeeng Anicinabe First Nation as part of our submission regarding the 2021 ROR for UNSPFs³. Despite the CNSC’s assertion that “Overall, CNSC has a path forward in response to all of the requests, concerns and recommendations raised by Indigenous Nations and communities from the 2021 UNSPFs ROR” (p.33),⁴ there is no evidence of the application or inclusion of the ARSCA Criteria in this year’s ROR or any commitment given to their inclusion in future reporting. It does not appear that the CNSC’s

² See “Recommended Aboriginal Rights Criteria” in Algonquins of Pikwakanagan First Nation. 2022. *The Algonquins of Pikwakanagan First Nation’s Submission on the Regulatory Oversight Report for Uranium and Nuclear Substance Processing Facilities in Canada: 2021*.

³ Canadian Nuclear Safety Commission [CNSC]. 2022. *Annual Program Report: Canadian Nuclear Laboratories Regulatory Oversight Report for Uranium and Nuclear Substance Processing Facilities: 2021*.

⁴ Canadian Nuclear Safety Commission [CNSC]. 2023. *Annual Program Report: Canadian Nuclear Laboratories Regulatory Oversight Report for Uranium and Nuclear Substance Processing Facilities: 2022*. All page numbers referenced in this document refer to the 2023 ROR.



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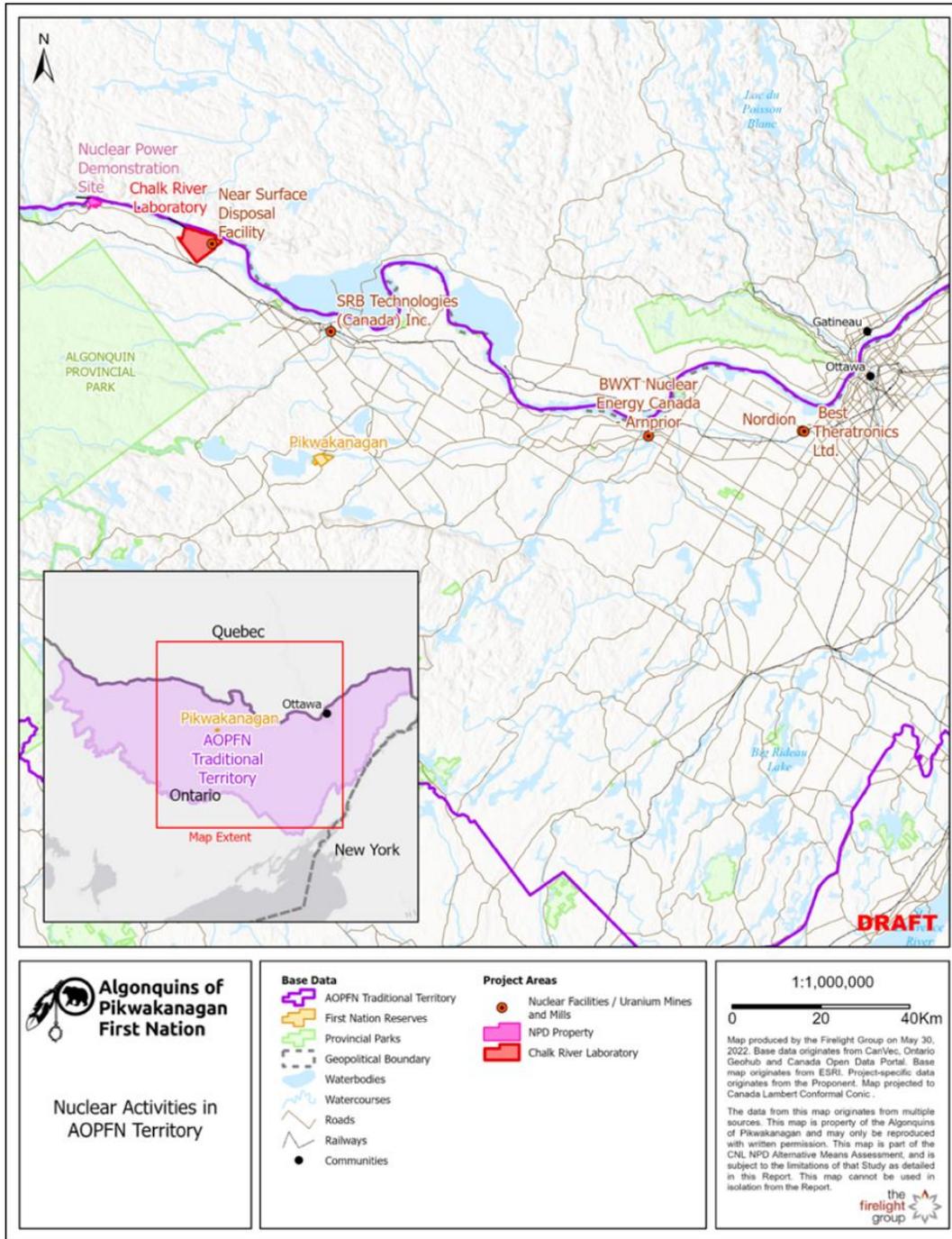


Figure 1: Nuclear Activities in AOPFN Territory



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oversight processes have meaningfully changed from past years based on the proposed ARSCA. Therefore, AOPFN makes the following recommendation:

Recommendation 1: Going forward, the CNSC will expand its regulatory and safety lens to include Indigenous concerns and perspectives by incorporating the Aboriginal Rights Safety and Control Area Criteria (Appendix 1) into future assessments of UNSPF site operations. This should be carried out through ongoing discussion and engagement with AOPFN and funded by the CNSC.

Recommendation 2: Going forward, the UNSPFs will expand their regulatory and safety lens by incorporating the Aboriginal Rights and Safety Control Area Criteria (Appendix 1) in future assessments of their operations and activities. This should be carried out through ongoing discussion and engagement with AOPFN and funded by the respective UNSPFs.

AOPFN would like to acknowledge the CNSC's ongoing efforts to improve its relationship with Indigenous Nations and communities, including AOPFN, through ongoing engagement opportunities. This includes the development and finalization of Terms of Reference for long-term engagement between AOPFN and the CNSC which we hope will lead to fruitful and mutually satisfying opportunities for collaboration and communication.

However, the CNSC's reporting regarding UNSPF licensee engagement and outreach programs with Indigenous Nations and communities significantly misses the mark. The ROR states that "CNSC staff are satisfied with the level and quality of Indigenous engagement conducted by UNSPF licensees with regards to their operations and proposed projects at different sites in 2022" (p.34). This does not at all correspond to AOPFN's experiences with UNSPF licensees over the course of 2022, and this divergence of CNSC's opinion from our experience is troubling and suggestive that substantial expectation for good practice – and communication – gaps remain between AOPFN and CNSC.

AOPFN has applied the ARSCA Criteria to evaluate our experiences with the relevant UNSPF licensees from an Indigenous rights-based perspective and has come to a very different conclusion from CNSC (full evaluation can be found in Part 2). In our assessment, BWXT received an 'Neutral but Improving' rating and SRBT's performance was found to be 'Below Expectation but improving'; both Nordion and BTL ranked 'Far Below Expectation'. This last ranking was added to this year's ARSCA review to recognize just how far Nordion and BTL are from meeting even AOPFN's lowest expectations with regards to Indigenous rights and interests. Neither Nordion nor BTL have demonstrated any meaningful interest in building productive relationships with AOPFN.

The gap between the CNSC's stated satisfaction with the Indigenous engagement conducted by the UNSPFs and AOPFN's own experiences with licensees is concerning and suggests poor communication between the CNSC and its licensees on this topic, poor oversight, or an intentional disregard of Indigenous perspectives despite a stated commitment to improved relations. The discrepancy also underlines the need for the CNSC and UNSPF licensees to adopt the ARSCA Criteria in their reporting. AOPFN additionally suggests that future RORs incorporate the feedback of all relevant Indigenous Nations and communities regarding licensees' respective engagement work with them over the past year. This will make reporting



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more open and honest and help more effectively identify areas that need improvement. It will also support “[collaboration] on drafting relevant sections of CNSC reports” (p. 31), a stated element of the CNSC’s ongoing Indigenous engagement practices.

Recommendation 3: The CNSC must fund and incorporate evaluations of licensees’ engagement activities conducted by all relevant Indigenous Nations and communities in future RORs. This will enhance transparency in the CNSC’s reporting; allow for more timely and accurate identification of shared priorities and areas for improvement; and demonstrate, in a concrete way, the CNSC and the licensees’ commitment to ongoing, meaningful, and positive relationships with Indigenous Nations and communities. Funding and appropriate amount of timing will be given to AOPFN to ensure AOPFN has the capacity and time to participate. Funding will need to be approved before the CNSC requests comments from AOPFN.

The CNSC has thoroughly described its ongoing efforts to respond to and address both persistent and emergent issues raised during Indigenous engagement activities. The format of the 2022 ROR has been updated to include an appendix “which summarizes the number of issues, concerns and recommendations submitted by Indigenous Nations and communities who intervened in the previous (2021) uranium and nuclear substance processing facilities (UNSPF) ROR” (p.1). This is paired with a reportedly new internal CNSC tracking system for issues and concerns submitted during the 2021 ROR intervention and for tracking the CNSC’s efforts to respond to and address these issues. This is a welcome development and one that AOPFN hopes will help the CNSC address input from intervenors in an appropriate and timely manner. However, there remains a lack of detail in the reporting and AOPFN has yet to see concrete implementation of most of the issues raised by AOPFN.

The CNSC indicates that it has “a path forward in response to all of the requests, concerns and recommendations raised by Indigenous Nations and communities from the 2021 UNSPFs ROR” (p.32), but this path is only minimally described to AOPFN. In the Notes section of Table A, Appendix P, the CNSC writes that “The issues, concerns and recommendations raised by AOPFN in their intervention for the 2021 UNSPFs ROR are being addressed and discussed with AOPFN through an issues tracking table...and regular meetings.” This brief summary lacks any information regarding concrete actions the CNSC has taken to respond to concerns and recommendations beyond tracking them and possibly adding them to the agenda of some future meeting; insufficient information is provided for AOPFN to assess the adequacy and acceptability of the CNSC’s plans to address the issues being tracked. AOPFN has provided the CNSC with concrete actions for implementation in the 2021 ROR submission as well as follow up meetings on the 2021 submission and the issues tracking table. However, AOPFN has not seen CNSC actually implement much of these recommendations.

Similarly, on p.31, the CNSC reports that during the SRBT licensing renewal process, Indigenous Nations were notified of the licence renewal, of ways to get involved, and of meetings and webinars about the process; participant funding was offered to support participation. This is a welcome effort on the part of the CNSC to engage with concerned Nations and communities. However, it is not reported if and how any feedback received during the course of engagement activities informed either the licensing process or the renewal of SRBT’s licence. This lack of information makes it unclear to what extent, if any, input from



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Indigenous Nations and communities is actually being meaningfully applied to CNSC processes and decisions.

Recommendation 4: In future RORs, activity reviews, permit reviews, and other relevant processes and documentation, the CNSC must explain, using concrete examples, how AOPFN’s reviews, comments, and feedback have been addressed and/or resolved and how AOPFN’s input has been incorporated and informed processes and documentation. This should include a process by which CNSC seeks verification with AOPFN about the status of issue resolution prior to filing the documents.

The CNSC also indicates that it monitors “licensee implementation of the [public information disclosure programs] to ensure that communication with target audiences is regular and meaningful” (p.42). There are no details provided regarding how the CNSC ensures that communication is meaningful, i.e., from the point of view of the ‘target audience.’ As discussed above, engagement with licensees, including their efforts to proactively communicate matters of interest to AOPFN, remains unsatisfactory.

Recommendation 5: The CNSC must describe, in reasonable detail, how it monitors and evaluates licensee engagement and public disclosure activities to ensure that they are performed in a manner that meets the expectations of both the CNSC and relevant Indigenous Nations and communities.

There is also an absence of accessible, plain language materials related to the CNSC’s reporting on UNSPF operations. The ‘Plain language summary’, which prefaces this year’s report, does not provide a meaningful amount of information for community members to assess and engage with the reporting. While the ROR itself fulfils the letter of the *Nuclear Safety and Control Act’s* (NSCA) requirement that CNSC “disseminate scientific, technical, and regulatory information to the public concerning its activities and the activities it regulates” (p.40), we do not feel that the CNSC is adequately fulfilling the spirit of this requirement. A reasonably detailed document, written in clear, lay-person accessible language and covering all key ROR findings would support the openness and transparency in communications which AOPFN has been seeking from the CNSC. Annual ROR findings should also be shared with AOPFN through engagement activities that give the community the opportunity to better understand and ask direct questions about report methods and findings.

Recommendation 6: The CNSC must provide AOPFN with detailed, plain language materials that use accessible, understandable language and terminology, to accompany future RORs. The sharing of this documentation should be accompanied by appropriately funded community engagement activities, including but not necessarily limited to public meetings, to communicate ROR findings to community members and to allow community members the opportunity to ask questions, interrogate findings, and otherwise better their understanding of the ROR process and conclusions.

Other documentation, including, but not limited to, safety analysis reports and radionuclide release data, could similarly benefit from being accompanied by plain language materials and diagrams. While we acknowledge the efforts the CNSC has made to make important data available to the public, much of it remains inaccessible due to its complexity and/or highly technical language. For example, the 2022 ROR includes appendices containing information



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regarding public dose data and environmental data. There is a good deal of presumably important information in these documents but there is no way for regular people, including AOPFN staff, members and leadership, to evaluate their implications and so to make related risk assessments. Offering support for easy-to-understand documents and help in interpreting important environmental and health data can improve transparency and help everyone better understand the relative and absolute risks linked to UNSPF operations. This would represent a step beyond merely providing interested Nations and communities with accessible materials and would enable them to also use those materials in their own analyses and evaluations.

Recommendation 7: The CNSC must work with AOPFN to create communications strategies and materials that support the ability of communities and their members to understand, interpret, and evaluate key monitoring data — including, but not limited to safety reports, radionuclide release data, exposure data, and environmental data — in a manner that will allow AOPFN to integrate this data into our own analyses, evaluations, and assessments. This might include such activities as focused public meetings and open houses about specific issues and findings or workshops to facilitate better understanding of technical processes and language. The CNSC must provide funding for this process.

Information related to the safety of food and water is of particular importance to AOPFN members as this can affect their ability to exercise those rights related to hunting and harvesting. A key way to support improved communication and mutual understanding around risks to AOPFN's food and water resources is investment in AOPFN's Algonquin Food Program, which would help better integrate data on food safety and restore trust in foods harvested from AOPFN lands and waters. This is something which AOPFN recommended in our 2021 ROR submission; however, as it remains both an important potential action for the CNSC as well as a relatively straight-forward one given that the Food Program has already been established, it bears repeating here.

Recommendation 8: As requested in AOPFN's submission on the CNSC's 2021 ROR for UNSPFs⁵ and AOPFN's submission on the CNSC's 2022 ROR for CNL⁶, CNSC should invest in AOPFN's Algonquins Food Program and other community-led programs concerned with health and wellbeing. This will signal the CNSC's commitment to supporting and working collaboratively with Indigenous-led activities that prioritize Algonquin Knowledge and Indigenous perspectives.

Communication surrounding safety, reportable events, and SCA evaluation remains a topic of concern. The CNSC reported 55 notices of non-compliance amongst the UNSPFs in 2022 and notes that they were all related to issues identified as being of low safety significance. There is a lack of clarity around how low significance is determined in these cases and regarding when and how Nations and communities are notified of incidents of non-compliance. There is also ongoing confusion about when and how reports are made to concerned Nations and communities regarding the release of radioactive and hazardous substances into the air and

⁵ See Recommendation 4, Algonquins of Pikwakanagan First Nation (2022)

⁶ See Recommendation 9, A Algonquins of Pikwakanagan First Nation (forthcoming)



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water at the UNSPFs. Given the extremely low tolerance that our members have toward radioactive and hazardous substances and low faith they have in both nuclear proponents and government reporting, it is important to bridge this information gap to increase trust and confidence in the quality of the environment at and around these facilities.

In the CNSC's evaluation of the UNSPFs across the former's standard 14 SCAs, all facilities received across the board 'Satisfactory' ratings. How this rating was assessed is not clear, particularly given the seriousness of a number of reported events in 2022. There are a number of reportable events which, to a lay reader such as AOPFN, appear particularly alarming including the shipping of a trailer from Nordion without dangerous goods paperwork or placarding; and an incident during which Cameco staff refused to cooperate with an CNSC inspection team.⁷ The ROR is lacking clear criteria for how the CNSC determines either satisfaction in meeting SCAs or significance of incidents. Clear, timely, and direct communication of reportable events, with support for the interpretation of risk and the direct addressing of risk perception amongst community members would constitute an important step in the development of a shared understanding of the risks related to UNSPF operations and promote an improved relationship of trust and openness between the CNSC, the UNSPFs, and AOPFN.

We have made it clear that AOPFN members and the CNSC do not share the same perceptions and perspectives regarding the risks and consequences of the operation of nuclear facilities on AOPFN territories. Therefore, a clearer understanding is needed of how the CNSC evaluates the significance of a given reportable event or deficiency in order for AOPFN to determine the degree to which the CNSC's treatment of risk differs from our own and how our positions can be reconciled in a mutually satisfying manner.

Recommendation 9: The CNSC must communicate the criteria for its significance and satisfaction ratings so that the public can better understand how those ratings are reached and applied. The CNSC must also provide information regarding its decisions to communicate reportable events, including the release of hazardous substances, to relevant Nations and communities, engage with those Nations and communities regarding the CNSC's decision-making process with regards to reportable events, and collaborate in the creation and implementation of a mutually satisfying communications plan for reportable events according to the results of that engagement.

Furthermore, it does not appear that the CNSC has taken into consideration Algonquin Knowledge or Indigenous perspectives in its conclusion regarding health and safety monitoring of UNSPFs. For example, the ROR states that "Based on assessments of the programs at the UNSPF [sic], CNSC staff concluded that the public continues to be protected from facility emissions of hazardous substances" (p.26); that "The licensees' [environmental protection programs] are effective in protecting the health and safety of people and the environment" (p.27); and that the CNSC follows the ALARA ("as low as reasonably achievable") principle, which takes into account social and economic factors, when assessing radiation doses to the

⁷ Though the Cameco facility is not located on AOPFN territory, it is noted here due to the seriousness with which we consider this incident and to illustrate the type of incident of which AOPFN would like to be directly informed should it occur in a relevant UNSPF.



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public. In no instance is it evident that considerations such as risk perception, trust, fear of contamination and effects on health, patterns of land use, or Indigenous perspectives on physical, environmental, and spiritual health have been incorporated into evaluations of public safety.

Recommendation 10: The CNSC must work with AOPFN to incorporate Algonquin Knowledge and Indigenous perspectives on health, wellbeing, risk, and trust into its health and safety monitoring and evaluations. This will involve the adoption of additional assessment parameters and an acknowledgement of the validity of Algonquin Knowledge and Indigenous perspectives in the evaluation of human and environmental health. Funding will be required to ensure AOPFN has the capacity to participate in this process.

Outstanding Gaps with the CNSC's 2022 ROR and Areas for Improvement

Substantial gaps persist in the CNSC's reporting on the operations of UNSPFs within AOPFN Traditional Territory. First, AOPFN would like to acknowledge those areas where the CNSC has made efforts to address AOPFN's input:

- The CNSC has created a new database for tracking comments, recommendations, and feedback it receives from Indigenous Nations and communities during the course of engagement and intervention activities. This will hopefully facilitate effective and timely responses to ongoing and emergent issues as well as ensure that important issues are not forgotten or neglected.

However, the CNSC and the UNSPFs did not respond to or resolve a number of AOPFN's 2021 recommendations. A number of these issues have been addressed more fully in the preceding section; below are those outstanding issue related to the 2021 recommendations which CNSC did not address in this year's reporting.

- The CNSC has not provided AOPFN with a written letter responding to the comments and committing to implementing the recommendations submitted in our 2021 ROR submission. The only form of written response is the tracking table discussed above; however, as we noted this does not include concrete commitments. This being the case, AOPFN has also not received information about how our comments would be reflected in the CNSC's 2023 work activities or how they would shape future RORs. AOPFN would like to remind CNSC that providing Indigenous Nations with information regarding how and whether Indigenous Knowledge (or, in the case of AOPFN, Algonquin Knowledge) is used in reporting and decision-making is in line with the Government of Canada's Indigenous Knowledge Policy.
- Licensees did not communicate directly with the AOPFN Consultation Department to communicate reportable events via phone and/or written communication nor is it evident that the CNSC required them to do so.
- The CNSC has not described any efforts to work with AOPFN to establish a more substantive role for AOPFN and the Neya Wabun Guardian Program in future



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Independent Environmental Monitoring Plans (IEMPs). The Guardian Program should be an integral part of IEMP activities, including seasonal site sampling, and IEMP processes should be informed by Algonquin Knowledge. In addition, adequate funding for this enhanced Algonquin Knowledge role in the IEMP needs to be provided by the CNSC.

- No information has been shared regarding AOPFN's recommended requirement of Nation-specific cultural awareness training for CNSC and UNSPF staff. It is not evident that any steps have been taken to fulfill this recommendation. We note that some CNSC staff and some staff from BWXT and SRBT have taken the training, which we appreciate. That said, AOPFN stands by our recommendation that all employees working on AOPFN lands and with AOPFN people must receive the Cultural Awareness Training. This training is AOPFN-specific and seeks to ensure AOPFN, our members, and our territory are treated with respect and understanding.

Given these gaps, AOPFN recommends the following:

Recommendation 11: The CNSC must review and incorporate existing recommendations provided by AOPFN in the review of the 2021 ROR. This includes, but is not limited to:

- a) Providing AOPFN with a written response to this submission;**
- b) Working with AOPFN to establish a more substantive and integrated monitoring role for the Neya Wabun Guardian Program;**
- c) Funding for the better incorporation of Algonquin Knowledge into the development and execution of IEMPs;**
- d) The incorporation of Nation-specific cultural awareness training into CNSC and UNSPF staff training curricula; and**
- e) Ensuring that AOPFN has sufficient time and resources to contribute their own licensee evaluations into future RORs.**

The CNSC must also respond, in writing, to the above listed gaps in the 2022 ROR and commit to incorporating this information into future RORs. The incorporation of these recommendations into CNSC reporting will signal, in a concrete and meaningful way, the CNSC's investment in their ongoing relationship with AOPFN and other Indigenous Nations and communities.



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PART 2: REVIEW OF BWXT, SRBT, BTL, AND NORDION FACILITIES

The table below provides a review of the 2022 performance of BWXT, SRBT, BTL, and Nordion in relation to AOPFN's Aboriginal Rights Safety and Control Criteria ("ARSCA Criteria"). The table lists the metric/ARSCA; provides a description of the metric; reviews the UNSPF's performance; and rates the performance according to the following rating system:

- AE (Above Expectation) — AOPFN's expectations were exceeded;
- Meets Expectation (ME) — AOPFN expectations were met;
- Neutral — There was room for improvement in meeting AOPFN's expectations;
- BE (Below Expectation) — AOPFN's expectations were not met; and
- FBE (Far Below Expectation) — This rating has been added this year to indicate where expectations were drastically unmet.

We ask that the CNSC review this and work with AOPFN and the UNSPFs to help the UNSPFs improve how they work with Indigenous people going forward. We note that these rankings apply to anything activity that has taken place during 2022 only.

Summary of Performance

BWXT

AOPFN 2022 Rating: Neutral, (continuing to improve)

BWXT continues to strengthen its relationship with AOPFN, extending support to AOPFN's culture programs and services. BWXT can elevate its rating to 'Above Expectation' by committing to a Long-Term Relationship Agreement (LTRA) with AOPFN. An LTRA symbolizes a goodwill agreement, indicating the Proponent's willingness to engage meaningfully and collaborate with AOPFN on any facility aspects that may impact our rights and interests and to contribute to reconciliation with Indigenous peoples. The LTRA would ensure more regular meetings (i.e., four times a year), integration of Algonquin knowledge in operations, working with the Neya Wabun Guardian Program, ongoing support for other relevant cultural programs, and ongoing reporting with community members.

SRBT

AOPFN 2022 Rating: Below Expectation (some improvement).

In AOPFN's 2021 ROR submission we shared that SRBT has made progress in engaging with AOPFN, notably by participating in AOPFN's Cultural Awareness Training. For 2022, there has been no progress on our recommendation for how SRBT can work and communicate with Indigenous communities (AOPFN), in fact the opposite is this case. There are concerns on who's responsible for AOPFN engagement costs for the work AOPFN put into SRBT's project. This led to AOPFN's staff frustrations and concerns with how AOPFN will proceed developing any relationship with SRBT. One email communication was shared between AOPFN and SRBT in 2022; and in 2023 AOPFN heard did not hear from them again, until one year later which will be shared in AOPFN 2023 ROR written submission. To elevate to "Meets Expectation" SRBT



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commit to developing an LTRA with AOPFN that will identify parties area's of interest and set numbers of engagement meetings per year.

Nordion

AOPFN 2022 Rating: Far Below Expectation.

AOPFN was invited to meet Nordion for the first time in spring of 2023. Since that time, there have been no other communications. Nordion has demonstrated lesser interest compared to SRBT and BWXT in building a relationship with AOPFN.

BTL

AOPFN 2022 Rating: Far Below Expectation

Engagement with BTL remains absent. Among all UNSPFs operating in unceded Algonquin territory, BTL has shown the least effort and commitment to collaborating with AOPFN and respecting our rights and interests. BTL initiated a single email communication in the winter of 2022. In return, AOPFN met with BTL to share its consultation and nuclear sector protocol, requesting BTL to review it before further engagement. However, BTL has not since arranged a meeting with AOPFN, acknowledged AOPFN's territory, expressed interest in supporting any AOPFN programs or initiatives, or shown any inclination towards establishing an LTRA with AOPFN. BTL's approach is unacceptable to AOPFN.



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Table 2: AOPFN Review of SRBT, Nordion, BTL, and BWXT using ARSCA Criteria

| Metric / SCA | SRBT | Nordion | BTL | BWXT |
|---|---|--|--|--|
| Overall Rank | Below Expectation (BE) for 2022 | Far Below Expectation (FBE) | Far Below Expectation (FBE) | Neutral, Improving |
| Recognition of, protection and promotion of Aboriginal rights | Below Expectation No mention or recognition of rights, no support to protect rights. | Far Below Expectation. No mention or recognition of rights, no support to protect rights. | Far Below Expectation No mention or recognition of rights, no support to protect rights. | Neutral, Improving. BWXT is supporting the protection of AOPFN rights through funding to cultural programs. |
| Risk communication with Indigenous peoples and management of public concern | Neutral. SRBT reached out to AOPFN to announce sampling plans and potentially results. However, a more structured approach to communication would help mitigate risk perceptions. An LTRA would include regular check-ins with AOPFN staff and communication with community. | Far Below Expectation. No communications occurring and no interest in collaborating with AOPFN on monitoring including the Neya Wabun Guardian Program. An effective communications strategy needs to be co-developed between the parties to remedy this. | Far Below Expectation. No communications occurring and no interest in collaborating with AOPFN on monitoring including the Neya Wabun Guardian Program. An effective communications strategy needs to be co-developed between the parties to remedy this. | Neutral. AOPFN does get correspondence regarding operations; however, a more structure approach to communication would help mitigate risk perceptions. A communications strategy needs to be developed between the parties to remedy this. An LTRA would include regular check-ins with AOPFN staff and communication with community. |



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| Metric / SCA | SRBT | Nordion | BTL | BWXT |
|---|---|---|---|--|
| <p>Integration of Indigenous Knowledge into site monitoring and management</p> | <p>Neutral.</p> <p>AOPFN has provided a guided tour for sampling on AOPFN territory. SRBT hired an AOPFN Algonquin Knowledge Holder to walk them around. SRBT did not integrate any input from AOPFN into its sampling and did not hire AOPFN monitors to do sampling with Guardians.</p> <p>Further, SRBT has not indicated it will provide support for the Neya Wabun Guardian Program.</p> | <p>Far Below Expectation.</p> <p>No involvement or communication with AOPFN on sampling and monitoring.</p> | <p>Far Below Expectation.</p> <p>No involvement or communication with AOPFN on sampling and monitoring.</p> | <p>Below Expectation to Neutral.</p> <p>BWXT have asked how it can support the Neya Wabun Guardian Program, however it has not involved AOPFN in any monitoring, sampling or review of sampling plans.</p> |
| <p>Engagement of Indigenous peoples in site planning, monitoring and management</p> | <p>Neutral.</p> <p>Above review applies.</p> | <p>Far Below Expectation.</p> <p>No engagement has occurred.</p> | <p>Far Below Expectation.</p> <p>No engagement has occurred.</p> | <p>Below Expectation to Neutral.</p> <p>Above review applies.</p> |



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| Metric / SCA | SRBT | Nordion | BTL | BWXT |
|--|--|---|---|---|
| Contribution to reconciliation with Indigenous peoples | Neutral. SRBT's biggest commitment to reconciliation has been to take the cultural awareness training and reaching out to AOPFN. | Far Below Expectation. Above review applies. | Far Below Expectation. Above review applies. | Neutral to improving. BWXT has provided funding for community initiatives such as the pow-wow; and its staff have taken AOPFN's Cultural Awareness Training. |
| Level of community knowledge and support for site waste management and waste transport | Below Expectation. Direct communication is required so AOPFN is made aware of waste transport. SRBT must commit to FPIC. | Far Below Expectation. Above review applies. | Far Below Expectation. Above review applies. | Below Expectation. Direct communication is required so AOPFN is made aware of waste transport. BWXT must commit to FPIC. |
| Engagement adequacy with Indigenous peoples | Below Expectation. SRBT has not indicated interest in signing a LTRA with AOPFN, which would meet AOPFN's engagement requirement. There have been no meetings with community. | Far Below Expectation. Above review applies. | Far Below Expectation. Above review applies. | Neutral. BWXT has started investing in relationship building with AOPFN; however, BWXT hasn't signed a LTRA with AOPFN, which would meet AOPFN's engagement requirement. They have shown interests in more regular meetings. |



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| Metric / SCA | SRBT | Nordion | BTL | BWXT |
|--|--|---|---|--|
| Communication and management of reportable incidents | Below Expectation. An LTRA is needed to establish communication expectations and plans. | Far Below Expectation. Above review applies. | Far Below Expectation. Above review applies. | Below Expectation. An LTRA is needed to establish communication expectations and plans. |



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CONCLUSIONS

AOPFN acknowledges the efforts that the CNSC and some of the UNSPF licensees have continued to make in 2022 to improve their relations with AOPFN and to recognize our rights and interests regarding our traditional lands and waters. The CNSC has shown increased willingness to work with AOPFN to build a productive and mutually satisfying long-term relationship and to collaborate in better incorporating Algonquin Knowledge, perspectives, and values into CNSC operations and reporting. BWXT has made efforts this year to improve its relationship with AOPFN. While SRBT's performance remains Below Expectations, significant progress is required. On the other hand, Nordion and BTL seem to remain uninterested in growing their engagement with AOPFN.

In acknowledging the work that the CNSC and some of the UNSPFs have done, we must also share where there remains room for improvement and growth. To that end, AOPFN has developed a number of recommendations to support the CNSC and UNSPFs in further improving their relationships with AOPFN and to help ensure that AOPFN's rights and interests are protected. Those are reflected in the numbered recommendations in this document.

Further commitments to each of the following are necessary:

- **Transparency and communication;**
- **Information sharing with AOPFN community members in a way that is collaborative, understandable, and culturally appropriate;**
- **Providing explanations on how AOPFN input is incorporated into reporting, including RORs, reviews of work activities, and permit reviews and decisions;**
- **Incorporating Algonquin Knowledge and Indigenous perspectives into monitoring and reporting activities;**
- **Involving Indigenous Nations and communities in the evaluation of UNSPF engagement activities for future RORs; and**
- **Incorporating the Aboriginal Rights Safety and Control Areas Criteria into future RORs in collaboration with relevant Indigenous Nations and communities.**

AOPFN asks that the CNSC provide a written response to this review and works to meaningfully address all recommendations in a timely and mutually acceptable manner. We would also like the CNSC to communicate the contents of this review to all relevant UNSPFs (Best Theratronics Ltd., BWXT Medical Ltd. (BWXT), Nordion (Canada) Inc., and SRB Technologies (Canada) Inc.) so they can learn from this work and apply it to their future relationship-building efforts. Additionally, we ask the CNSC to support AOPFN's efforts to develop and implement LTRAs for all nuclear activities that impact our territory.



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As noted above, the recommendations outlined here will not be feasible without adequate funding and capacity support provided by the Government of Canada in general, the CNSC in particular, and each of the UNSPFs. We ask that the CNSC identify how each of the actions associated with the recommendations provided herein will be funded to ensure their success. Additionally, we ask that all the UNSPFs to enter into LTRAs with AOPFN and provide funding for the work associated with the UNSPF's operations.