



Date: 2024-10-23

File / dossier : 6.02.04

Edocs pdf : 7388822

Supplementary Information

Presentation from the Algonquins of Pikwakanagan First Nation

Renseignements supplémentaires

Présentation de la Première Nation des Algonquins de Pikwàkanagàn

Canadian Nuclear Laboratories

Regulatory Oversight Report for
Canadian Nuclear Laboratories Sites:
2023

Laboratoires Nucléaires Canadiens

Rapport de surveillance réglementaire
des sites des Laboratoires Nucléaires
Canadiens : 2023

Commission Meeting

Réunion de la Commission

November 7, 2024

7 novembre 2024



Algonquins of Pikwakanagan



First Nation

Review of the Regulatory Oversight Report for
Canadian Nuclear Laboratories Sites: 2023

November 7-8, 2024

PRESENTATION OUTLINE

1

Introduction to AOPFN's submission

2

Comments on the ROR

3

AOPFN's review of CNL's Operations

4

Conclusions and Next Steps

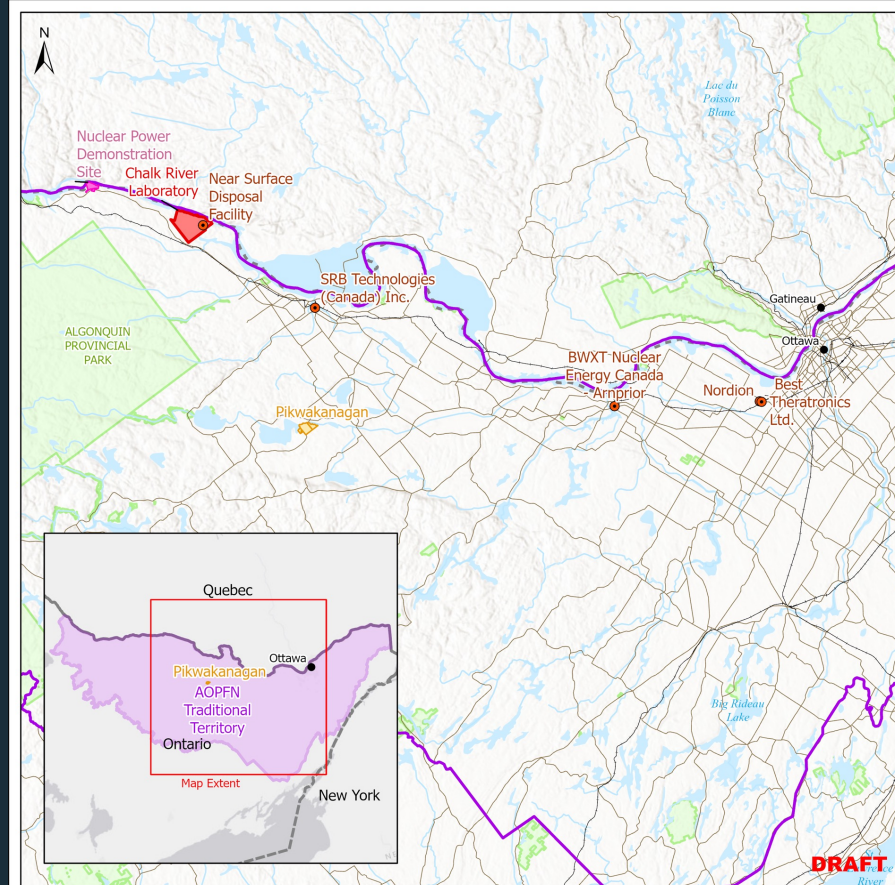
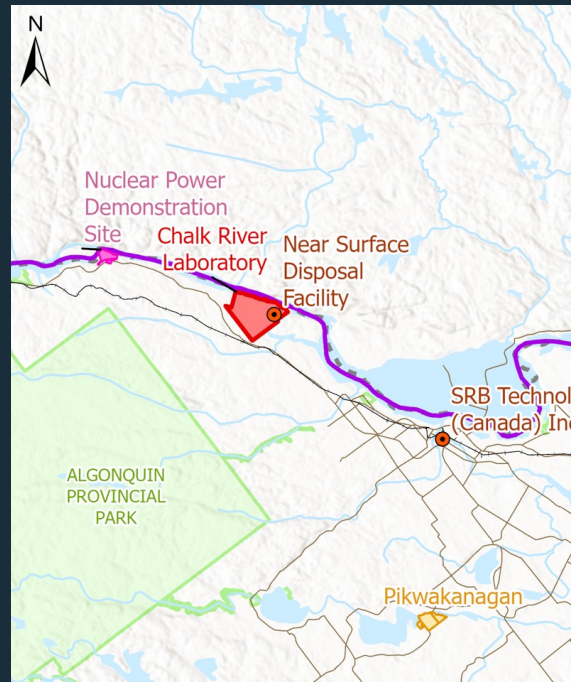
INTRODUCTION TO THE SUBMISSION

- This submission is based on a review of the Regulatory Oversight Report (ROR) for Canadian Nuclear Laboratories Sites: 2023, and our experiences working with Canadian Nuclear Laboratories (CNL) and the Canadian Nuclear Safety Commission (CNSC) in 2023
- The submission provides AOPFN's review of:
 - the ROR and our experiences with CNL and the CNSC in 2023
 - CNL's operations based on the Aboriginal Rights Safety and Control Area (ARSCA) criteria

CNL sites in AOPFN Territory

AOPFN's submission focuses on the CNL sites operating on our territory:

- The Nuclear Power Demonstration Project (NPD); and
- The Chalk River Laboratories (CRL) facilities.



Algonquins of Pikwakanagan First Nation

Nuclear Activities in AOPFN Territory

Base Data

- AOPFN Traditional Territory
- First Nation Reserves
- Provincial Parks
- Geopolitical Boundary
- Waterbodies
- Watercourses
- Roads
- Railways
- Communities

Project Areas

- Nuclear Facilities / Uranium Mines and Mills
- NPD Property
- Chalk River Laboratory

1:1,000,000
0 20 40Km

Map produced by the Firelight Group on May 30, 2022. Base data originates from CanVec, Ontario Geohub and Canada Open Data Portal. Base map originates from ESRI. Project-specific data originates from the Proponent. Map projected to Canada Lambert Conformal Conic.

The data from this map originates from multiple sources. This map is property of the Algonquins of Pikwakanagan and may only be reproduced with written permission. This map is part of the CNL NPD Alternative Means Assessment, and is subject to the limitations of that Study as detailed in this Report. This map cannot be used in isolation from the Report.

the firelight group

TOPICS ADDRESSED

AOPFN Free, Prior and Informed Consent (FPIC) and the NPD site

Engagement and Consultation

Accessibility of the Technical Language of the ROR

Communication with Indigenous Communities: Risks and Reportable Events

Indigenous Rights and Use of the ARSCA criteria

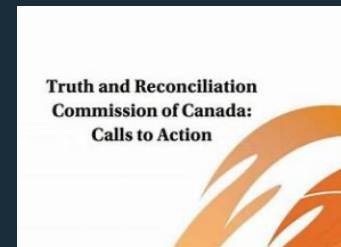
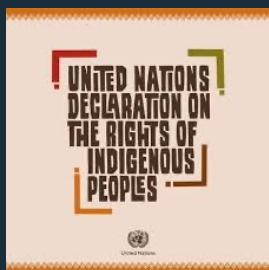
Environmental Protection

Protection of Indigenous Health and Wellbeing

Monitoring and IEMP Issues

AOPFN Free, Prior and Informed Consent (FPIC) and the NPD site

- AOPFN has not given consent to convert the NPD to a permanent radioactive waste disposal facility
- The CNSC has committed to reconciliation actions which include the importance of FPIC. This should be respected for the NPD site.
- The NPD site is the only site in Canada where intermediate level waste is **not** required to be stored in deep geological repository

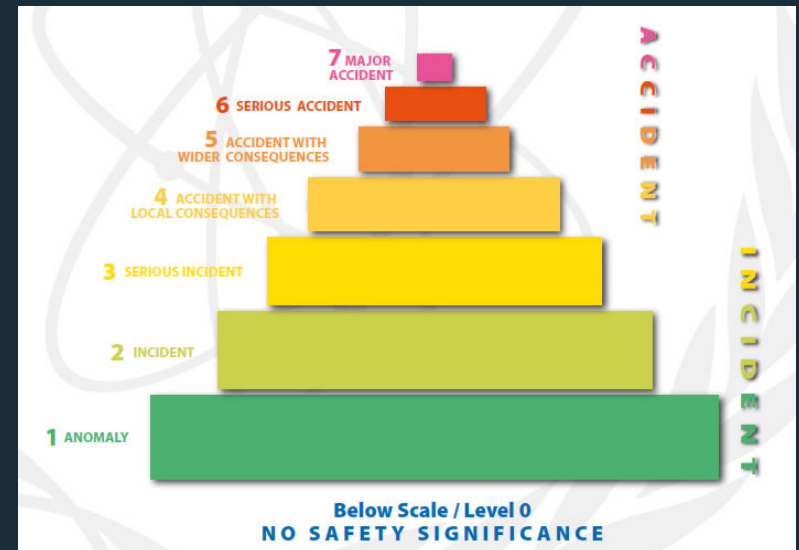


Engagement and Consultation

- Progress has been made between AOPFN and CNSC, but this is not detailed in the ROR
- There have been improved communications and follow-up, but no evidence in the ROR of how AOPFN's reviews and comments have been, and will be, addressed and resolved
- Assessment of engagement and consultation in the ROR needs to include Indigenous experiences and opinions.

Accessibility of the Technical Language of the ROR

- The ROR does not provide technical data, details, conclusions, and implications in an accessible way
- CNSC's conclusions of "no risk" for exceedances and Notices of No-Compliance (NNC) are not explained or justified
- ROR references publicly available data, but does not provide interpretation



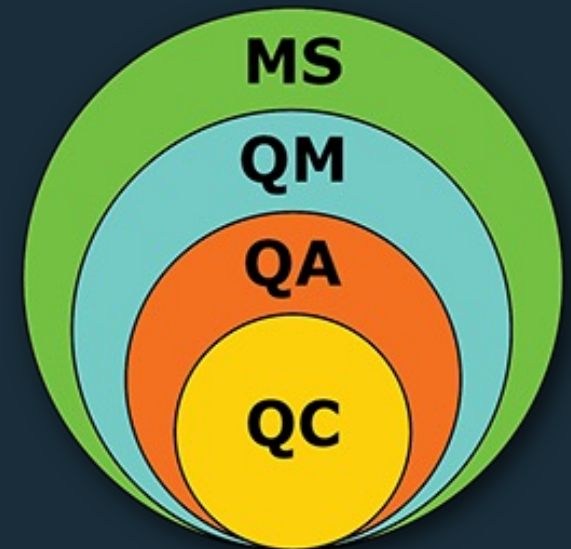
International Nuclear and Radiation Events Scale

Communication with Indigenous Communities: Risks and Reportable Events

- The risk communication from CNL, AECL, and CNSC is being improved, but needs more work
- The ROR does not demonstrate direct communication with Indigenous communities (i.e., email, phone, in-person), and does not say how quickly communications were shared

Indigenous Rights and Use of the Aboriginal Rights and Safety Control Area criteria

- Lack of consideration of Indigenous rights in the ROR, despite AOPFN and Sagkeeng Anicinabe First Nation providing the Aboriginal Rights and Safety Control Area (ARSCA) criteria in 2021.
- The current Safety and Control Areas do not consider Indigenous perspectives on health and wellbeing
- Our rights include knowing about and being involved in incidents.



14 CNSC SCAs: Management systems, quality management, quality assurance, quality control

Environmental Protection



- The Environmental Protection Activities in the ROR do not include AOPFN priorities and knowledge
- The ROR averages potential impacts from airborne and liquid waste releases
- The Independent Environmental Monitoring Program (IEMP) does not include measures and plans to integrate AOPFN knowledge and values

Aakode'enwin
(Courage)

Bravery is to face the foe with integrity. In the Anishinaabe language, this word literally means "state of having a fearless heart." To do what is right even when the consequences are unpleasant.

Zaagi'idiwin
(Love)

To know Love is to know peace. Love must be unconditional. When people are weak, they need love the most. In the Anishinaabe language, this word with the reciprocal theme indicates that this form of love is mutual.

Gwayakwaadiziwin
(Honesty)

Honesty in facing a situation is to be brave. Always be honest in words and actions. Be honest first with yourself, and you will more easily be able to be honest with others. In the Anishinaabe language, this word can also mean "righteousness."

Nibwaakaawin
(Wisdom)

To cherish knowledge is to know Wisdom. Wisdom is given by the Creator to be used for the good of the people. In the Anishinaabe language, this word expresses not only "wisdom," but also means "prudence," "intelligence", or "knowledge".

Debwewin
(Truth)

Truth is to know all these things. Speak the truth. Do not deceive yourself or others.

Minaadendamiwin
(Respect)

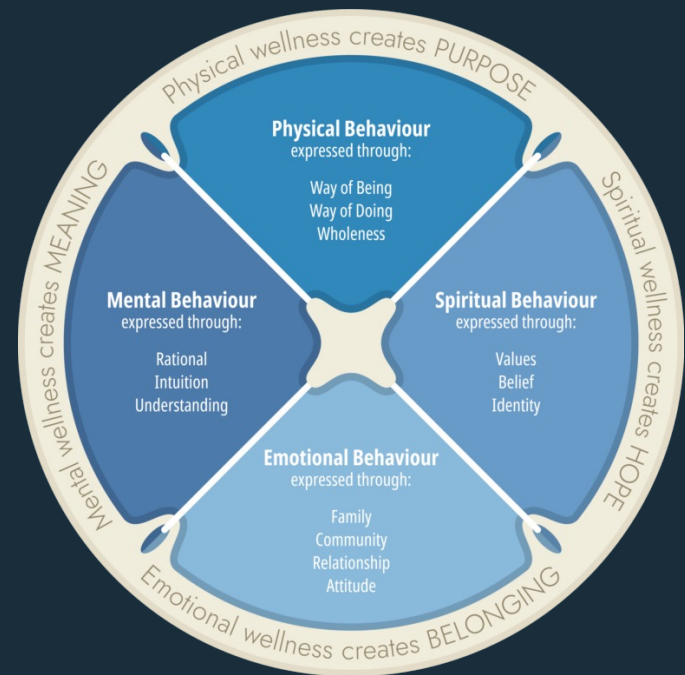
To honour all creation is to have Respect. All of creation should be treated with respect. You must give respect if you wish to be respected.

Dabaadendiziwin
(Humility)

Humility is to know yourself as a sacred part of Creation. In the Anishinaabe language, this word can also mean "compassion." You are equal to others, but you are not better. In addition to "humility", this word can also be translated to "calmness," "meekness," "gentility" or "patience."

Protection of Indigenous Health and Wellbeing

- The assessment of health in the ROR only considers biophysical factors
- AOPFN Cultural Awareness Training is a first step



Monitoring and IEMP Issues



- The IEMP and other monitoring activities do not include AOPFN knowledge or involvement in planning, implementation, analysis or reporting.
- The CNSC has improved by funding an AOPFN-CNSC resource coordinator for 3 years, funding for the Algonquin Foods Program, and assisting the Neyagada Wabandangaki Guardians to apply for funding

Environment Canada / Environnement Canada

Independent
Environmental
Monitoring
Program

Canada



Recommendations

- Our written submission provides 20 recommendations for the CNSC to continue addressing our concerns and working with us. These recommendations cover:
 - AOPFN's right to FPIC
 - Detailing how AOPFN's feedback is incorporated into future RORs
 - More detailed and informative plain language summaries
 - Improved risk communication with AOPFN staff and community
 - Inclusion of the ARSCA criteria in the ROR to improve consideration for AOPFN values and wellbeing
 - Reliable support and resourcing for the Neyagada Wabandangaki Guardian program, and incorporation of their monitoring reports in future RORs and regulatory processes
 - Greater collaboration between AOPFN, CNSC, CNL, and AECL for site planning and decision-making

Review of CNL in 2023 using the ARSCA Criteria

- Overall, CNL was operating at a level just under AOPFN's expectations in most of the ARSCA criteria for 2023
 - There were major improvements in communications and engagement efforts
 - The LTRA between CNL, AECL, and AOPFN was finalized in May 2023, which began improving relationships further
- AOPFN describes CNL's performance in each ARSCA as:
 - AE - Above Expectations
 - ME - Meets Expectations
 - BE - Below Expectations
- Note- Any NPD discussions between AOPFN and CNSC were on hold in 2023, and have been labelled as N/A throughout

ARSCA REVIEW OF CNL

ARSCA criteria	CRL and NPD 2023 Performance	Trend 2023 vs. 2022	Recommendations for Improvement
Recognition of, protection and promotion of Aboriginal rights	NPD – N/A CRL – BE	Slight improvement but substantial gaps remain. <ul style="list-style-type: none"> LTRA in 2023 No rights protection commitment for NPD AECL, CNL, CNSC not committed to UNDRIP CNL and AECL still do not adhere to AOPFN's Nuclear Principles and Requirements 	<ul style="list-style-type: none"> Finalization of policies on cultural protection, promotion and recognition at the sites Recognition of historic and current impacts on AOPFN traditional use, culture and well-being is a critical first step before monitoring, mitigating, and accommodating for these impacts. Commitments to FPIC.
Risk communication with Indigenous peoples and management of public concern	NPD – N/A CRL - BE	While still below expectations in calendar 2023, communications are improving. <ul style="list-style-type: none"> Primary information source is CNL website Community concerns remain high Long-term funding has improved Communication via weekly meetings 	<ul style="list-style-type: none"> Continued investment in on-the-ground communication with community members. Continue to work on communication plans for various risk scenarios. Continue funding for the Algonquin Foods Program. Improve upon reportable incident reporting timeliness and comprehensiveness.

ARSCA REVIEW OF CNL

ARSCA criteria	CRL and NPD 2023 Performance	Trend 2023 vs. 2022	Recommendations for Improvement
Integration of Indigenous Knowledge into site monitoring and management	NPD – N/A CRL - ME	Significant improvements made. <ul style="list-style-type: none"> • Neyagada Wabandangaki Guardian Program funded by CNL starting in 2023 • Involvement in day-to-day monitoring and site access has improved 	<ul style="list-style-type: none"> • Continue to develop clear parameters for the role for the Neyagada Wabandangaki Guardian Program at both sites (CRL and NPD).
Engagement of Indigenous peoples in site planning, monitoring and management	NPD – N/A CRL - Between BE and ME	Noticeable improvement; some remaining gaps. <ul style="list-style-type: none"> • More collaboration on monitoring, and resources to do so, required • End state planning has been slow and CNL/AECL-led. AOPFN needs to be co-developing the plans. 	<ul style="list-style-type: none"> • Finalize co-developed cultural protection plans and monitoring plans for both sites • Revisit end state planning ensure Indigenous inputs are being gathered early and are driving policy and plans. • Further recognition of AOPFN as a partner with joint decision-making role on site planning, monitoring and management items • Continued investment in on-the-ground communication with community members.

ARSCA REVIEW OF CNL

ARSCA criteria	CRL and NPD 2023 Performance	Trend 2023 vs. 2022	Recommendations for Improvement
Contribution to reconciliation with Indigenous peoples	NPD – N/A CRL - ME	Substantial improvement for CRL. <ul style="list-style-type: none"> • CNL and AECL defer past harms to CIRNAC • CNL is often inappropriately designated as the Crown. AECL needs to be more involved in relationship building 	<ul style="list-style-type: none"> • Continued implementation of a monitoring, stewardship and governance (joint decision-making) role for AOPFN in activities at the sites • Strengthening communications between CNL and the AOPFN community.
Level of community knowledge and support for site waste management and waste transport	NPD – N/A CRL - Between BE and ME	Substantial improvement, but still work to be done. <ul style="list-style-type: none"> • Communication through weekly meetings • AOPFN is still developing communication tools for the community, with funding from CNL. 	<ul style="list-style-type: none"> • Continued work in developing communications strategies.

ARSCA REVIEW OF CNL

ARSCA criteria	CRL and NPD 2023 Performance	Trend 2023 vs. 2022	Recommendations for Improvement
Engagement adequacy with Indigenous peoples	ME	Significant improvement, AOPFN is satisfied with engagement efforts.	<ul style="list-style-type: none"> • None.
Communication and management of reportable incidents	BE	Signs of improvements, AOPFN is still finding it difficult to get prompt information. <ul style="list-style-type: none"> • Quarterly reports and weekly meetings have improved communications • Time-sensitive reportable events are not being shared immediately 	<ul style="list-style-type: none"> • CNL to work to provide time-sensitive and comprehensive communications in writing.



MEEGWETCH / THANK YOU