



**Written submission from
Curve Lake First Nation**

**Mémoire de la Première Nation
de Curve Lake**

In the matter of

À l'égard d'

Ontario Power Generation

Ontario Power Generation

**Ontario Power Generation -
Application to amend the Darlington
Nuclear Generating Station power
reactor operating license to allow
production of additional medical
isotopes**

**Ontario Power Generation – Demande
visant à modifier le permis
d'exploitation d'un réacteur de
puissance pour la centrale nucléaire de
Darlington en vue d'obtenir
l'autorisation de produire des isotopes
médicaux supplémentaires**

Public Hearing – Hearing in writing based
on written submissions

Audience publique – Audience fondée sur
des mémoires

March 2025

Mars 2025

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February 7th, 2025
(Submitted by Email)

RE: Curve Lake First Nation's (CLFN) submission on Ontario Power Generation's (OPG) application to amend Darlington Nuclear Generating Station (DNGS) power reactor operating licence to allow production of additional medical isotopes, CMD 25-H100

Dear Registrar,

On behalf of the Consultation Department at CLFN, we are providing this written intervention pertaining to application to amend the OPG DNGS operating licence to allow production of additional medical isotopes. Please refer to **Appendix A** of this letter for details. We are looking forward to our ongoing and upcoming meetings in 2025 to discuss this licence amendment.

We do this work to uphold our responsibilities to care for the earth and waters, for our people, our nation, and for all our relations. Our foundational belief is balance; our values and principles are built upon the respect, care, and nurturing of all life as part of an interconnected whole and necessary for the balance and harmony required for Mino-Bimaadiziwin now and for future generations.

Yours sincerely,

Francis Chua
Supporting Curve Lake First Nation
Director - Francis Chua Consulting Inc.

CC:
Chief & Council, CLFN
Consultation Committee, CLFN
Mindy Knott, Director of Culture, Consultation and Economic Development, CLFN
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Appendix A

Curve Lake First Nation's (CLFN) submission on Ontario Power Generation's (OPG) application to amend Darlington Nuclear Generating Station (DNFS) power reactor operating licence to allow production of additional medical isotopes, CMD 25-H100

Curve Lake First Nation (CLFN) would like to acknowledge the Canadian Nuclear Safety Commission (CNSC) staff in their dialogue and work with our Consultation Department since 2020. There are many topics and projects that have been covered and as everyone can appreciate, meaningfully consulting on and addressing each topic or project takes time, commitment, and focus. As demonstrated from 2021 to 2024, we continue to be optimistic that our Terms of Reference and Work Plan will result in progress and improvements in 2025 and beyond. We acknowledge that the CNSC has provided additional capacity support through CNSC's Indigenous and Stakeholder Capacity Fund; this is under implementation and in concept will help in the numerous nuclear sector topics and projects.

CLFN would also like to acknowledge Ontario Power Generation (OPG) staff in their dialogue and work with our Consultation Department since 2020. OPG has invited CLFN to discuss relevant areas of interest and we value our in person interactions along with our routine virtual meetings. These interactions are positive relationship building strides and we look forward to our evolving relationship. The number of topics and projects are also numerous with OPG; capacity and process improvements continue to evolve.

Timing and band width are the initial barriers to meaningful consultation and CLFN wishes to thank CNSC and OPG for their work in addressing these initial barriers and in their commitment and effort to work together to significantly improve programs, processes, approaches, and guidance in order to meaningfully progress relationships, consultations, and reconciliation. CLFN trusts that, like us, CNSC Staff, CNSC Commission Members, OPG Staff, and OPG leadership remain committed to this path of reconciliation we have embarked upon and recognize there is still much to do.

CLFN's Consultation Department is progressively building capacity to match the various consultation needs in the nuclear sector. We view this submission process merely as a formal check-in point and we look forward to continuing dialogue and consultation beyond the confines of this process and we look forward to the future when the CNSC decisions are made in conjunction with the CLFN.

The Darlington Nuclear Generating Station (DNFS) site is located on Michi Saagiig Anishinaabeg lands, waters and the Williams Treaties First Nations territory. The Williams Treaties First Nations (WTFN) consist of the Mississauga Nations of Hiawatha First Nation, Alderville First Nation, Curve Lake First Nation and, Mississaugas of Scugog Island First Nation as well as the Chippewas Nations of Georgina Island First Nation, Beausoleil First Nation and Rama First Nation. The lands where the DNFS is operating are covered by the Johnson-Butler Purchase, also referred to as the "Gunshot Treaty" (1787-88), the Williams Treaties (1923), and the lands that were subject to the Williams Treaties First Nations settlement agreement.

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We recognize that medical isotopes are a vital component of modern healthcare, playing an essential role in the diagnosis and treatment of life-threatening conditions, including cancer. As the health of our community is also in the centre of the work that we do, as the way that we live, we appreciate the efforts to protect that. We understand that nuclear facilities are uniquely equipped to produce these isotopes.

At the same time, it is critical to ensure that such operations are undertaken responsibly, with full consideration for environmental sustainability. The integrity of ecosystems and the well-being of local communities must remain paramount. Rigorous safeguards, effective waste management strategies, and transparent monitoring systems should be implemented to prevent any potential environmental harm. We appreciate the demonstrated awareness of this in completing the *Predictive Effects Assessment for The DN Molybdenum Isotope Irradiation System (Unit 4)*. Bringing awareness and information to our community about medical isotope production processes and their benefits to the healthcare industry would be critical to ensuring continued support for the production. We have heard from OPG that the additional isotope production creates minimal additional waste. Management of waste as a holistic picture, including the management of additional waste produced by the additional isotope production, should be included in the engagement and consultation process because it is critical for transparency and understanding. Fostering mutual understanding and good relationships are paramount in this licence amendment consideration.

As these isotopes are produced in our territory, we expect to have access to these life saving treatments readily available to our community members, ensuring equitable healthcare opportunities and addressing the unique medical needs of our population without unnecessary delays or barriers. This accessibility would demonstrate a commitment to prioritizing the health and well-being of the communities directly connected to the production of these critical resources. It is essential that the WTFN, as Rights holders to these production facilities benefit directly from the advancements in healthcare made possible by their proximity to this innovation. Rights holders may not be in 'proximity' to the project as noted on *Page 53, Indigenous Community Engagement*. Such access would foster trust and strengthen the relationship between the facility and the surrounding community, creating a sense of shared purpose and mutual benefit.

CLFN would like to reiterate our stance on the adoption of the United Nations Declaration on the Rights of Indigenous Peoples Act (UNDRIPA) and recent Supreme Court decisions affirm the significance of the CNSC's implementation of UNDRIPA, particularly the principle of Free, Prior, and Informed Consent (FPIC), in evaluating Crown consultation activities. Canada's commitment to aligning its laws with the Declaration, as outlined in UNDRIPA, was further reinforced by the Supreme Court in 2024, which declared UNDRIP incorporated into domestic law and binding on Canada. These rulings clarified the legal force of UNDRIPA, emphasizing that it is more than aspirational and must inform the interpretation and application of Canadian law, including regulatory processes like those of the CNSC under the Nuclear Safety and Control Act. Key principles of UNDRIP, such as FPIC and the rights of Indigenous peoples to maintain their means of subsistence, development, and economic activities, as well as the obligation to provide redress for harm caused without FPIC, underscore the importance of meaningful engagement with Indigenous communities. In this context, the CNSC's decision-making regarding the

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OPG DNGS PROL Renewal must be consistent with UNDRIPA, address the concerns raised by CLFN, and demonstrate genuine two-way dialogue that goes beyond information sharing to reflect a commitment to understanding and accommodating the perspectives of impacted First Nations. While progress has been made, significant opportunities remain to evolve consultation processes and ensure alignment with the principles of UNDRIP and UNDRIPA. As well as findings of the Truth and Reconciliation Commission of Canada (TRC) with respect to the lasting impacts of the residential school system on First Nations peoples and families and in particular Call to Action No. 92 calling upon the corporate sector in Canada to adopt UNDRIP as a reconciliation framework and to apply its principles, norms, and standards to corporate policy and core operational activities involving Indigenous peoples and their lands and resources. [Since the Duty to Consult is not delegated to OPG and remains with CNSC, we expect this Duty to be upheld with the above-mentioned legal guidance. In support however, OPG does mention their Reconciliation Action Plan \(RAP\) as a mechanism to define their measurable goals in their reconciliation with Indigenous Nation, communities, and businesses. We encourage OPG to continue to build upon already establish relationships with Indigenous Communities and looks forward to creating a better way ahead for everyone involved.](#)

CLFN would also like to reiterate the importance of each First Nations' unique governance systems. Chief and Council are directly responsible for all aspects of life for our citizens. We have formal processes which must be followed, similar to any other government. For CLFN this includes briefings and presentations to committees, holding community engagement meetings to inform and gather feedback, seeking guidance from Elders and ensuring our collective Rights are protected. Each matter before Chief and Council will have its own inherent timeline and process. While we do our best to work collaboratively with proponents and other governments, our process cannot be disregarded simply to meet their needs, including the timelines and deadlines dictated by those needs.

[CLFN would like to see a more collaborative approach to engagement with BWXT and OPG as outlined in the *Isotope Engagement and Communications Plan with Indigenous Communities*. Curve Lake First Nation has not to date received robust information about medical isotope production at DNGS or the down the line procedures for isotope mobilization. This lack of detailed communication creates barriers to understanding the potential impacts and opportunities associated with isotope production, particularly regarding safety, environmental stewardship, and equitable access to the benefits derived from this production. A truly collaborative approach would involve regular, transparent updates on the production process, comprehensive information on transportation and storage protocols, and meaningful opportunities for CLFN to provide input and have its concerns addressed. Additionally, this process should prioritize capacity-building measures, such as workshops or technical briefings, to ensure Council, committee, and community members are fully informed and able to participate in decision-making processes effectively. Strengthening this engagement will not only build trust but also demonstrate respect for Indigenous knowledge and Rights, ensuring that the interests and well-being of CLFN are meaningfully integrated into the planning and execution of isotope production activities. CLFN and the other Williams Treaties First Nations have previously expressed their desire to be part of the decision-making on these commission decisions, in line with UNDRIPA, FPIC, and the TRC.](#)