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

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

**Regulatory Oversight Report
for Uranium and Nuclear
Substance Processing
Facilities, Research Reactors,
and Class 1B Accelerators in
Canada: 2023**

**Rapport de surveillance
réglementaire des installations
de traitement de l'uranium et
des substances nucléaires, les
accélérateurs de particules de
catégorie IB au Canada: 2023**

Commission Meeting

Réunion de la Commission

February 26, 2025

Le 26 février 2025



*Algonquins of Pikwàkanagàn
First Nation*

THE ALGONQUINS OF
PIKWAKANAGAN FIRST NATION'S
SUBMISSION ON REGULATORY
OVERSIGHT REPORT FOR
URANIUM AND NUCLEAR
SUBSTANCE PROCESSING
FACILITIES IN CANADA: 2023

January 10, 2025

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

In addition to the following written submission, Algonquins of Pikwàkanagàn First Nation wishes to also intervene by way of oral presentation at the Commission Meeting on February 26, 2025.

Amanda Two-Axe Kohoko
1657 Mishomis Inamo
Pikwàkanagàn, ON K0J 1X0
Tel: 613-625-4010
Consultation@pikwakanagan.ca



Algonquins of Pikwàkanagan First Nation

EXECUTIVE SUMMARY

This document presents the results of Algonquins of Pikwàkanagan First Nation's (AOPFN) review of the Canadian Nuclear Safety Commission's (CNSC) 2023 Regulatory Oversight Report (ROR or the Report) for Uranium and Nuclear Substance Processing Facilities (UNSPFs), Research Reactors, and Class IB Accelerators in Canada. AOPFN reviewed the ROR and CNSC's regulatory oversight of the UNSPFs in 2023 to determine how the CNSC's regulatory processes address our concerns about the operation of UNSPFs licensed to operate (the Licensees) in our territory. AOPFN focused on the four UNSPFs in AOPFN territory:

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

The ROR shows some improvement in how AOPFN concerns are addressed in the CNSC's regulatory oversight processes. This includes some information summarizing engagement with AOPFN in 2023 and some commitments to continue engaging with AOPFN on important topics, the Terms of Reference for Long-term Engagement, and the Independent Environmental Monitoring Program (IEMP). However, several issues have yet to be fully and adequately addressed. These issues include but are not limited to:

- Engagement and issues tracking between CNSC and AOPFN;
- Engagement with UNSPFs and funding for evaluations by Indigenous parties;
- AOPFN rights and the Aboriginal Rights Safety and Control Areas (ARSCAs);
- Algonquin Knowledge and Indigenous perspectives on health, wellbeing, risk, and trust;
- Accessibility and Plain Language in the ROR;
- Risk Communication;
- The Independent Environmental Monitoring Program; and
- Cultural Awareness Training.

The CNSC has not adopted the use of the AOPFN's Aboriginal Rights Safety and Control Areas (ARSCAs) in their oversight activities or reporting. AOPFN has requested that the CNSC incorporate the ARSCAs into the ROR and that these criteria be used consistently throughout regulatory oversight processes. The ARSCAs are a set of criteria that AOPFN has developed to evaluate the adequacy of how the CNSC and any of its licensed project operators have engaged with AOPFN, addressed our concerns about impacts, and integrated Algonquin knowledge into project monitoring and operations.

This submission also presents the findings of AOPFN's review of the performance of the UNSPF Licensees themselves in 2023. Overall, we found that improvement was made in how some of the Licensees engage with AOPFN, although there is also significant room for improvement. Of the four facilities licensed to operate in our territory, BWXT, SRBT and Nordion have made improvements in recent years. However, there is still much work to be done. BTL's



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performance in relation to AOPFN rights and interests remains unacceptably poor. Priority issues for all Licensees to work on with AOPFN include the need to formalize a relationship agreement; integrating Algonquin Knowledge and the Neyagada Wabandangaki Guardian Program into site monitoring activities; and funding for increased AOPFN capacity to engage with the UNSPFs to ensure our rights are protected.



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LIST OF ACRONYMS

Acronym	Definition
AAC	AOPFN Advisory Committee
AFP	Algonquin Foods Program
AOPFN	Algonquins of Pikwàkanagan First Nation
ARSCA	Aboriginal Rights Safety and Control Area
BTL	Best Theratronics Ltd.
BWXT	BWXT Medical Ltd.
CAT	Cultural Awareness Training
CNL	Canadian Nuclear Laboratories
CNSC	Canadian Nuclear Safety Commission
CRL	Chalk River Laboratories
ERA	Environmental Risk Assessment
FPIC	Free, Prior and Informed Consent
IAEA	International Atomic Energy Association
IEMP	Independent Environmental Monitoring Program
LTRA	Long-term Relationship Agreement
NNC	Notice of Non-Compliance
Nordion	Nordion (Canada) Inc.
NSCA	Nuclear Safety and Control Act
NWMO	Nuclear Waste Management Organization
PFP	Participant Funding Program
ROR	Regulatory Oversight Report



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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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REVIEW OF THE REGULATORY OVERSIGHT REPORT FOR UNSPFS AND THE CANADIAN NUCLEAR SAFETY COMMISSION'S ENGAGEMENT WITH THE ALGONQUINS OF PIKWÀKANAGÀN FIRST NATION

INTRODUCTION

Algonquins of Pikwàkanagàn First Nation (AOPFN) respectfully submits our review of the Canadian Nuclear Safety Commission's (CNSC) 2023 Regulatory Oversight Report (ROR or the Report) for Uranium and Nuclear Substance Processing Facilities (UNSPFs or the Licensees), Research Reactors, and Class IB Accelerators in Canada. We reviewed the ROR and CNSC's engagement with AOPFN in 2023 to evaluate CNSC's regulatory oversight of the operational and safety performance of the UNSPFs in relation to AOPFN's rights and interests.

This submission also includes a review of the performance of the UNSPFs themselves in relation to AOPFN rights and interests. Our review of both the ROR and UNSPF performance focuses on the four UNSPFs operating in AOPFN's unceded Algonquin territory:

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

This document is organized into two sections. First, AOPFN provides a high-level review of the ROR and identifies some key concerns and gaps with the Report, as well as recommendations for improvement. Second, this document presents the findings of AOPFN's review of UNSPF Licensee performance for 2023.

This review is limited to the actions that occurred during the 2023 calendar year. Any improvement or changes to our concerns that have been addressed in 2024 will be discussed in future submissions on the 2024 ROR as appropriate.

SUMMARY OF COMMENTS FOR THE 2023 ROR

The Algonquins of Pikwàkanagàn First Nation (AOPFN) acknowledges the CNSC's inclusion of additional information requested by AOPFN in this year's ROR for UNSPFs. **This includes some information summarizing engagement with AOPFN and some important, if vague, commitments from CNSC to continue engaging with AOPFN on important topics, the Terms of Reference for Long-term Engagement, and the Independent Environmental Monitoring Program (IEMP).** These represent incremental improvements in our relationship and AOPFN commits to engage with CNSC on an ongoing basis to ensure our rights and interests are considered in all regulatory oversight processes, including the drafting of the ROR.

However, many AOPFN concerns and requests have not been fully addressed and some have been completely ignored. Below, AOPFN presents our findings from our review of the ROR and of CNSC's engagement with AOPFN in 2023. We discuss areas for improvement in both the regulatory reporting for UNSPFs and for our relationship more generally with CNSC and its UNSPF Licensees. We discuss the following overarching issues and concerns:



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- The need for more meaningful engagement by CNSC and Licensees;
- Greater consideration of AOPFN rights and Aboriginal Rights Safety and Control Areas (ARSCAs);
- Greater consideration of Algonquin Knowledge on risks and impacts and project monitoring;
- Improved transparency and accessibility in CNSC reporting;
- Improved risk communication;
- Greater involvement in the IEMP; and
- Firmer commitments to AOPFN's Cultural Awareness Training (CAT).

Some of these issues are outstanding from previous years. We look forward to responses from both CNSC and the UNSPF Licensees addressing these concerns.

Engagement and Issues Tracking between CNSC and AOPFN

In AOPFN's review of the 2022 ROR for UNSPFs, we requested that future RORs contain concrete information describing how AOPFN concerns about the regulatory oversight of the UNSPFs are being addressed by CNSC. In 2022, CNSC created a Tracking Table, which was a step forward in how CNSC treats AOPFN concerns. AOPFN also recognizes that the frequency of meetings with CNSC has increased in recent years, which is also a step forward.

However, AOPFN remains concerned that several of our priority concerns are yet to be addressed or even considered in any meaningful way. Building a more detailed process for dialogue is not a meaningful outcome unto itself; rather it represents a platform upon which meaningful change can be identified and implemented. AOPFN will measure outcomes not as process changes but as actual improvements in the degree to which our concerns are addressed and impacts on us are accommodated. We note for example that no information appears in the ROR describing how AOPFN concerns are being addressed, only an overarching, highly reductive summary of AOPFN concerns, which states that "The themes of the issues and concerns raised span from CNSC regulatory oversight, funding programs and more" (CNSC 2024a, 170). In our review of previous RORs, AOPFN asked for "concrete examples" to be included in future versions. This has not been done. As a result, the ROR does not contain adequate detail to allow us or other parties to evaluate from an "oversight" perspective how CNSC is addressing AOPFN concerns. Instead, CNSC's summary of topics omits the essence of AOPFN concerns, which revolve around a wide range of issues including environmental and human health risks; access to and suitability of country foods; quality of engagement; transparency; accessibility; environmental monitoring; risk communication; and more. CNSC's summary does not provide the clarity and transparency that AOPFN can reasonably expect regarding how our concerns should be addressed. The ROR is an important, public-facing document where significant concerns regarding risks and impacts to Indigenous rights should be addressed in a concrete fashion.

Beyond the ROR, significant gaps remain regarding how AOPFN concerns are being considered and addressed. In many cases, engagement has been inadequate in how it has addressed these concerns. For instance, AOPFN has not received adequate assurance that AOPFN concerns noted in the Tracking Table are being addressed. In fact, Appendix P of the



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ROR implies that CNSC staff are lacking in this regard, stating that “The Commission has directed CNSC staff to provide an update on whether and how comments and recommendations made by Indigenous Nations and communities in particular have been, or will be, addressed, including where there are disagreements” (ibid., 168). CNSC made this commitment **two years ago** and the requested information is yet to be reflected in either the ROR or other engagement processes. To directly address issues raised in the Tracking Table, further engagement is required, including both more meaningful engagement focused on addressing the substance of AOPFN concerns and more frequent in-person and virtual meetings.

Recommendation 1: For the sake of transparency and openness, AOPFN insists that future RORs contain more detailed information describing AOPFN concerns and show how CNSC and/or Licensees are acting or will act to address each concern.

Recommendation 2: CNSC management should commit to providing draft responses to all AOPFN concerns about UNSPF operations noted in the most recent version of the Tracking Table 4 weeks, or at minimum 2 weeks, before filing of the 2024 ROR. Responses should include meaningful consideration of the nature of each concern and detailed information, including adaptive management responses, about how CNSC and/or Licensees are acting or will act to address each concern.

Recommendation 3: CNSC should commit to more frequent in-person and virtual meetings aimed at meaningfully addressing issues raised in the Tracking Table. AOPFN requests the CNSC commit to attending quarterly meetings in-person, and monthly meetings virtually. Additionally, the meeting agendas should include addressing foreseeable future meeting items to allow AOPFN more time to prepare.

Engagement with UNSPFs and Funding for Evaluations by Indigenous Parties

AOPFN acknowledges that the ROR describes CNSC engagement with UNSPFs regarding their future engagement plans with Indigenous communities. However, the ROR does not provide adequate detail about what this engagement is proposed or required to entail or describe any requirements that Licensees follow through on the CNSC’s recommendations (ibid., 48). CNSC’s descriptions of engagement with Licensees are vague, only stating that CNSC and the Licensees discussed feedback and future engagement plans and recommended best practices (ibid.). CNSC’s commitments are similarly vague, stating only that CNSC will “continue to work with all licensees to discuss concerns and feedback provided by Indigenous Nations and Communities” and “encourages licensees to continue to develop relationships and engage with Indigenous groups who have expressed an interest in the licensee’s activities” (ibid.). No concrete actions or requirements are included.

Although the issue of funding for engagement has improved, important gaps remain. AOPFN often must push back against CNSC for more funding. When the funding amounts are not adequate, the effect is that CNSC ultimately controls AOPFN’s scope and scale of assessment and reduces the latitude for proper assessment by AOPFN of the activities of these proponents in our unceded territory. To be clear, AOPFN, like almost all First Nations in Canada, cannot self-fund its necessary due diligence reviews of the activities of proponents in our unceded Algonquin territory.



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Recommendation 4: The CNSC should collaborate with AOPFN to establish clear requirements for engagement between AOPFN and the Licensees. This may be part of the Terms of Reference for Long-term Engagement.

AOPFN Rights and Aboriginal Rights Safety and Control Areas (ARSCAs)

In the ROR, the CNSC states that it “ensures that all of its licence decisions under the NSCA uphold the honour of the Crown and consider Indigenous peoples’ potential or established Indigenous and/or treaty rights pursuant to section 35 of the Constitution Act, 1982” (ibid., 44). However, CNSC does not elaborate on how this has been done or incorporate AOPFN perspectives and knowledge as requested by AOPFN.

Specifically, AOPFN requested in our review of the previous year’s ROR for UNSPFs that Licensee operations and regulatory performance be considered through an Aboriginal Rights lens in CNSC’s ROR and other regulatory processes. To accomplish this, we recommended the use of our Aboriginal Rights Safety and Control Areas (ARSCAs) framework, developed by AOPFN specifically for the CNSC regulatory oversight process. To date, AOPFN has yet to hear CNSC’s plans for how the ARSCAs will be integrated into the ROR process and other regulatory processes.

Aboriginal Rights Safety and Control Areas (ARSCAs)

AOPFN’s ARSCAs are a set of criteria that AOPFN has developed to evaluate the adequacy of how the CNSC and any of its licensed project operators have engaged with AOPFN, addressed our concerns about impacts, and integrated Algonquin knowledge into project monitoring and operations. Specific ARSCAs include:

- Recognition, protection, and promotion of Aboriginal rights;
- Risk communication with Indigenous peoples and management of public concern;
- Integration of Indigenous Knowledge into site monitoring and management;
- Engagement of Indigenous peoples in site planning, monitoring, and management;
- Contribution to reconciliation with Indigenous peoples;
- Level of community knowledge and support for site waste management and waste transport;
- Engagement adequacy with Indigenous peoples; and
- Communication and management of reportable incidents.

It is essential to meaningfully consider Indigenous Rights when assessing regulatory performance at nuclear processing facilities. Indigenous Rights are protected by Canadian law but can only be assessed through meaningful engagement and consultation with Indigenous communities. Nuclear processing facilities impact Indigenous communities in ways that cannot be identified through the use of Western scientific and technical measures alone. Assessing impacts to Algonquin rights – including the rights to harvest resources, practice Algonquin culture, and steward Algonquin lands – must be assessed through the use of Algonquin Knowledge and through the eyes of the Algonquin people who hold that knowledge.



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The ROR shows significant room for improvement in the way CNSC considers AOPFN rights and interests, all of which can be improved through the use of our ARSCAs. For example, the ROR lists several Notices of Non-Compliance (NNCs) issued to Licensees by CNSC but does not describe the significance of the NNCs for Indigenous Rights (ibid., 14; 26). Some NNCs are potentially concerning for AOPFN, such as the one noted for the BWXT Medical facility “related to internal procedures regarding corrective and preventative actions” (ibid., 26) and others related to safety equipment; fire and emergency safety routes; training; documentation and communication for reportable events; and risks related to the handling of radioactive waste (28; 31; 37; 40; 41). No further information is provided about the NNCs and certainly no analysis of their significance in relation to AOPFN rights and interests. Instead, the ROR simply states repeatedly that “The findings were of low safety significance and did not affect the health and safety of workers, people or the environment” (ibid., 27). Without an explanation of how these conclusions were drawn, especially in relation to AOPFN rights and interests, AOPFN cannot verify or agree with the CNSC’s conclusions.

Non-compliance with both CNSC and AOPFN protocols may result in a reduction in AOPFN’s ability to practice our Aboriginal and Treaty Rights, which include the rights to steward and protect our territory, maintain our culture, and harvest from the lands and waters. For example, Best Theratronics Ltd. has operated in our territory since 2021 without a sufficient financial guarantee to ensure that there are “sufficient funds available for decommissioning of the facility and the safe disposal of all high risk sealed sources and licensed material” (CNSC 2024b). The possibility that this Licensee is, based on CNSC’s criteria for environmental protection alone, unable to guarantee decommissioning of its facility and safe disposal of harmful material presents a direct, long-term risk to AOPFN rights to steward and use our lands and waters. It is also alarming that AOPFN was not notified by the CNSC that this was an issue and instead had to learn about it through the news media at the same time as the public. It is essential to include more detailed information and analysis from an Algonquin perspective on all potential risks, incidents, and compliance issues at the UNSPFs, including notifying AOPFN in a timely manner when issues with Licensees are known by the CNSC.

Recommendation 5: CNSC should commit to meaningfully engaging with AOPFN on all matters related to the sufficiency of financial guarantees for decommissioning of nuclear facilities, including as it relates to BTL’s current non-compliance on this issue. Funding should be provided to ensure AOPFN is involved in monitoring BTL’s current compliance as well as ensuring that decommissioning plans align with AOPFN rights and interests. AOPFN should be closely involved in determining the desired end state for lands affected by this facility and all nuclear facilities. The amount of financial security should be tied to the cost required to get the site to a desired end state that is acceptable to AOPFN.

Recommendation 6: The CNSC and UNSPFs should evaluate in future RORs and other regulatory documents all potential risks and impacts to AOPFN rights and interests associated with the UNSPFs in AOPFN territory. This should be done through collaboration with AOPFN. AOPFN reiterates our request that this be done through the use of our ARSCA framework.

Recommendation 7: CNSC should include more detailed information in future RORs describing the nature of all NNCs and reportable events as well as the reasons for all conclusions regarding the significance of the NNCs and reportable events, including



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plain-language descriptions of the indicators and thresholds involved in assessing significance.

Algonquin Knowledge and Indigenous Perspectives on Health, Wellbeing, Risk, and Trust

Some of the issues presented in the ROR may impact AOPFN members' use of their territory, their sense of safety on the land, or the environment itself. The ROR contains no indication that Algonquin Knowledge has informed thresholds for environmental risk or impacts to Algonquin foods and the environment. Although AOPFN recognizes that the Commission and its staff are starting to integrate Indigenous Knowledge, this is a very slow process and CNSC ultimately still leans almost exclusively on Western science in decision making and threshold setting.

For example, the ROR states that "The Airborne and waterborne releases of radioactive and hazardous substances at UNSPFs, Research Reactors and Class IB Accelerators remained below regulatory limits during their reporting timelines" (CNSC 2024a, 37). Because there is no indication that regulatory limits have been informed by (or are appropriate to account for) Algonquin Knowledge and use, AOPFN cannot be sure as to whether these issues impact AOPFN rights and interests or not. For the three facilities that release radionuclides into the atmosphere, no information is provided about how thresholds are determined and potential associated impacts are identified and measured (*ibid.*, 91). The same is true for public dose and environmental data (*ibid.*, 92; 94).

The ROR states that "An Environmental Risk Assessment (ERA) of nuclear facilities is a systematic process used by licensees to identify, quantify, and characterize the risk posed by releases of radiological and hazardous substances and physical stressors on representative human and non-human biota receptors, including the magnitude and extent of the potential effects associated with a facility" (*ibid.*, 38). However, Indigenous communities have unique sensitivities and objectives requiring the use of specialized indicators, tolerance thresholds, and responses that must be accounted for in the CNSC's regulatory oversight processes. AOPFN's utmost priority is to protect AOPFN lands and waters and ensure our rights are not impacted. Algonquin Knowledge is required to set the parameters for how such protection can best be achieved.

Lastly, there is no mention of AOPFN's request for CNSC contributory funding for our Algonquin Foods Program (AFP). A CNSC contribution to the AFP would help address AOPFN member concerns about food safety by allowing for better integration of data on environmental health and restoring trust in foods and other materials harvested from AOPFN lands and waters. Perceived contamination and observed differences from natural conditions impacts on AOPFN harvesting and cultural rights by causing members to avoid important harvesting areas. This can lead to reduced enjoyment of our Territory as well as increased harvesting effort per unit of output, and ultimately food security issues for our members. CNSC support funding for the Algonquin Foods Program would contribute positively to AOPFN members' ability to practice their harvesting and cultural rights by fostering understanding between Western scientific measures of food safety and Algonquin objectives, values, and perspectives. It would also support the achievement of CNSC's mandate related to monitoring and communicating risks associated with the nuclear sector to Indigenous peoples.

Recommendation 8: CNSC should commit to acquiring and meaningfully considering Algonquin Knowledge on impacts and to collaborating with AOPFN on the development of Algonquin-specific indicators and thresholds of tolerance for assessing potential risks



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and impacts to AOPFN rights and interests in relation to the environment, traditional foods, Algonquin culture, and AOPFN stewardship of lands. This should include the development of measures to avoid or reduce potential impacts and risks to AOPFN rights and interests, should be done through the use of the ARSCA framework, and should be funded by CNSC.

Recommendation 9: As requested in previous AOPFN submissions to the CNSC, CNSC should invest in AOPFN's Algonquin Foods Program.

Accessibility and Plain Language in the ROR

The ROR and other regulatory documents related to the UNSPFs are still not written in a way that is easy to understand or that promotes accessibility. Although certain sections have shown improvement in this regard, overall accessible information is not provided and, in many cases, information is simply omitted. For example, the plain language summary does not include sufficient detail describing general but pertinent technical information in an accessible manner. It does not include a definition of SCAs or a summary of results from the CNSC's regulatory oversight and monitoring activities. Instead, the plain language summary simply states that "all facilities operated safely" and that "people and the environment remained protected" (ibid., 3) without providing any explanation, nuance, or reasoning. In fact, blanket statements like this appear throughout the ROR as a whole without evidence or reasoning to back them up. For example, the ROR omits detail as to how conclusions were drawn about whether facilities operated safely or not, and conclusions about whether instances of non-compliance affect the environment or human health are simply stated, not justified/explained with supporting evidence (ibid., 27; 28; 31; 37; 40; 41). It should not come as a surprise to the CNSC that with Indigenous Nations, both its activities and the activities of the proponents it regulates are in a low-trust environment among Indigenous Nations like AOPFN; greater effort to support conclusions is required in this low-trust environment.

In many places, the ROR does not provide sufficient background information about certain important topics, define certain terms, or include explanations for how the CNSC drew their conclusions about safety and health. For example, the Report states that several inspections at UNSPFs in AOPFN territory covered only a limited number of SCAs but does not explain why this is the case (ibid., 13; 15; 16). Additionally, no information is provided about the measures and thresholds that CNSC and their Licensees used to determine whether the amounts of nuclear substances released into the environment are of concern for human and environmental health. This is especially the case from an Indigenous health and environmental risk perspective. The ROR also contains no definitions or summative information on the results of facility monitoring of potential releases of radioactive material into the environment or other risks. Section 9.6, CNSC Independent Environmental Monitoring Program, contains a broken link to what AOPFN assumes (from our review of the 2023 ROR for Canadian Nuclear Laboratories (CNL) operations) is raw data that is not presented or summarized in a way that is accessible and transparent to the public. While AOPFN acknowledges that Appendix I contains some explanations of technical monitoring results, in most cases the measures, indicators, thresholds, and results are simply stated with no explanation as to their meaning. For example, a gigabecquerel of "tritium-water soluble" should be defined and the significance of the results in relation to the regulatory limit of 200 GBq/year for human and environmental health should be explained (ibid., 115) so that communities can ascertain and evaluate the adequacy of these measures.



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It is important to summarize technical information for lay audiences so that community members can understand how safety and health are evaluated and whether CNSC's conclusions are logical. There remains significant room for improvement in CNSC's efforts to make their regulatory oversight material accessible. AOPFN has been advocating for improvement in this regard for several years now and looks forward to future RORs that present technical information in an accessible way.

Recommendation 10: Future RORs should include, in both the plain language summaries and the RORs themselves, more detailed and accessibly written information on the CNSC's regulatory oversight processes. This should include explanations of how conclusions regarding SCAs (including AOPFN's ARSCAs), NNCs, and reportable events are drawn. It should also include more detailed but accessible summaries of pertinent monitoring results, including accessible explanations of measures, indicators, and thresholds.

Recommendation 11: The sharing of all plain language documentation, including the ROR, 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.

Risk Communication

The ROR does not provide adequate assurance that, or evaluate whether, reportable events and NNCs were communicated to AOPFN in a satisfactory manner. This is an ongoing concern for AOPFN and is related to how risks and impacts are considered in the ROR and other regulatory processes and operations at UNSPFs. The fundamental principle here, which AOPFN has communicated verbally to the CNSC staff already, is that when it comes to a reportable incident, "When you know, we need to know". Risks and impacts, including reportable events, NNCs, and other operational issues related to safety and human and environmental health, must be communicated with AOPFN such that AOPFN can determine for ourselves the level of risk and impact associated with each event and act accordingly. Furthermore, AOPFN must be engaged on an ongoing basis to determine what types of events, notices, and issues are communicated. Without both provisions, AOPFN remains relatively in the dark about potential risks and impacts.

For example, the ROR describes how all UNSPFs must maintain Public Information and Disclosure Programs. However, the ROR does not discuss the fact that these programs were not developed with AOPFN and so do not account for AOPFN objectives and requirements for communication. There is no information in the ROR about whether and how reportable events were reported by Licensees to AOPFN and whether CNSC has required them to do so. Also, the section on Reportable Events does not describe communication protocols for AOPFN or Indigenous communities generally (*ibid.*, 52). It is essential to engage with AOPFN around risk communication because AOPFN requires specific communication protocols that may significantly differ from those established by CNSC for certain health, safety, and environmental issues.

Recommendation 12: CNSC should commit to co-developing with AOPFN a communication protocol that is specific to our Nation and that reflects AOPFN's needs



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and priorities for communication around all reportable events, NNCs, and any other operational issues related to safety and human and environmental health. This communication protocol must follow the fundamental principle of “when you know, we need to know”. Communication protocols must support the ability of community 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 way that allows AOPFN to integrate this data into our own analyses, evaluations, and assessments. The CNSC must provide funding for this process.

Recommendation 13: CNSC must require all UNSPFs to communicate all reportable events and NNCs directly to AOPFN in an accessible and understandable manner (and to the right people), including any other types of operational incidents required by AOPFN as agreed to through the above-mentioned protocol development process with CNSC.

Independent Environmental Monitoring Program

The Independent Environmental Monitoring Program (IEMP) is an important avenue with the potential to ensure greater consideration of Algonquin values, objectives, and measures for environmental protection. The IEMP has shown further improvement in this regard compared to previous years. For example, as the ROR notes that,

In advance of the ... 2023 IEMP sampling campaign around the BWXT Medical, Nordion, BRR, and MNR, notification emails were sent to Indigenous Nations and communities near the previously mentioned facilities to notify them of the sampling campaigns and to seek input on the applicable sampling plans. CNSC staff invited each interested Nation and community to provide and share Indigenous Knowledge, as well as suggestions for species of interest, valued components, and potential sampling locations where traditional practices and activities may take place. (ibid., 45)

The ROR notes that some Indigenous communities participated in sampling activities (ibid.). AOPFN recognizes that this included AOPFN participation in sampling at the BWXT and SRBT sites (though the latter happened in 2024). It also included the selection of sampling locations by some Nations and the CNSC demonstrating sampling techniques with one Nation (ibid., 45). These efforts are steps forward in AOPFN’s participation in the IEMP and the project as a whole.

However, the IEMP still prioritizes a Western scientific, technical focus. For example, the ROR does not provide concrete examples of how Indigenous Knowledge, values, and objectives have meaningfully informed the sampling plans despite CNSC’s stated commitment to this (ibid., 46). There is also no indication that sampling frameworks, indicators, or thresholds were developed with Indigenous input of any sort. There is no mention of a monitoring role for AOPFN’s Neyagada Wabandangaki Guardian Program in the development and execution of the IEMP and no mention of funding for this.

In order to ensure that potential impacts on AOPFN rights and interests from the UNSPFs’ activities are adequately identified, monitoring must be substantially informed by Algonquin Knowledge. Key collaboration with the AOPFN and adequate funding is provided based on AOPFN requests and the resources we have in place.

Recommendation 14: The CNSC should commit to involving the AOPFN and the Neyagada Wabandangaki Guardian Program in the development and execution of the



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IEMP's sampling campaigns, including the use of Algonquin Knowledge, values, objectives, indicators, and thresholds.

Recommendation 15: The CNSC should provide adequate yearly funding for AOPFN's involvement in the IEMP, including but not limited to involvement in the development, execution, analysis and reporting of the IEMP's sampling campaigns, including the additional parameters noted in Recommendation 14 above.

Cultural Awareness Training

There is no mention in the ROR of cultural awareness training (CAT) for CNSC or UNSPF employees. AOPFN requested cultural awareness training in previous years but notes that CNSC has been very slow to adopt an across-the-board policy requiring all employees working in or working on regulatory tasks in AOPFN's unceded Algonquin territory to undergo our available cultural awareness training. Cultural awareness training is an essential step in building understanding and respect in both the day-to-day operations and the regulatory oversight and monitoring activities of the UNSPFs.

Recommendation 16: CNSC should ensure that AOPFN-specific cultural awareness training is integrated into all CNSC and UNSPF staff training curricula, where that staff is working in or working on regulated projects in AOPFN's unceded Algonquin territory.

AOPFN'S REVIEW OF BWXT, SRBT, BTL, AND NORDION OPERATIONS

This section presents AOPFN's review of the 2023 performance of each UNSPF Licensee in relation to AOPFN expectations for how we should be engaged regarding Licensee operational and regulatory processes in our territory. Our results show that there was improvement in some Licensees' performance around certain issues, but that significant room for improvement remains. Although none of the Licensees' overall performance is fully meeting AOPFN's expectations yet, three Licensees (SRBT, BWXT, and Nordion) are trending in that direction. With further commitments to a formalized relationship with AOPFN, these Licensees may start to meet expectations. BTL remains far below expectations as it has not demonstrated meaningful engagement with AOPFN.

AOPFN used the following criteria to evaluate Licensee performance:

- Recognition, protection, and promotion of Aboriginal rights;
- Risk communication with Indigenous peoples and management of public concern;
- Integration of Indigenous Knowledge into site monitoring and management;
- Engagement of Indigenous peoples in site planning, monitoring, and management;
- Contribution to reconciliation with Indigenous peoples;
- Level of community knowledge and support for site waste management and waste transport;
- Engagement adequacy with Indigenous peoples; and
- Communication and management of reportable incidents.



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Below we briefly summarize AOPFN's overall experiences with each UNSPF in 2023, we highlight elements that stood out in our review of each Licensee's performance in relation to the above criteria and offer high-priority recommendations for moving forward. We have also included a table that provides more detail on how each of the Licensees has been rated by AOPFN in relation to each of the criteria above.

An important element that determines the overall quality of engagement with each Licensee is AOPFN's capacity to engage. While AOPFN has been building capacity to allow for more meaningful engagement, there are still significant capacity challenges that have bearing on AOPFN's relationships with the UNSPF Licensees, including training for new staff. This issue can be resolved through enhanced funding for AOPFN, one of the lynchpins for improved engagement with CNSC and the individual UNSPFs.

Recommendation 17: The CNSC and UNSPF Licensees should commit to further funding aimed at increasing the capacity for AOPFN to meaningfully engage with the UNSPF Licensees.

Another overarching issue with all Licensees is the lack of Neyagada Wabandangaki Guardian presence at the UNSPF sites. Neyagada Wabandangaki Guardians should be on site more often to ensure concerns about AOPFN rights and interests are being adequately addressed.

Recommendation 18: The UNSPF Licensees should commit to further involvement of the Neyagada Wabandangaki Guardian Program in site monitoring, including an enhanced involvement of Neyagada Wabandangaki Guardians in sampling.

Table 2 below provides an overview of the 2023 performance of BWXT, SRBT, BTL, and Nordion in relation to AOPFN's Aboriginal Rights Safety and Control Criteria ("ARSCA Criteria"). We flag for each category cases where the score has changed noticeably from 2022. 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;
- ME (Meets Expectation) — 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.

An overview of the performance of each UNSPF is provided after the table.



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Table 1: AOPFN Review of SRBT, Nordion, BTL, and BWXT using ARSCA Criteria

Metric / SCA	SRBT	Nordion	BTL	BWXT
Overall Rank	Neutral. Noticeable improvements in 2023.	Below Expectation, moving towards “Neutral” for 2023. Improved from 2022.	Far Below Expectation for 2023	Neutral. Slow, incremental improvement in 2023.
Recognition of, protection and promotion of Aboriginal rights	<p>Below Expectation.</p> <p>SRBT has not made any recognition or commitments to AOPFN rights. SRBT should do so by recognizing AOPFN’s rights to the managing lands, working towards a relationship agreement, and supporting AOPFN programs and efforts.</p> <p>SRBT has been improving how it works with AOPFN. With further commitments to a relationship agreement and ongoing involving in monitoring, this ranking will improve.</p>	<p>Below expectations, improving from 2022.</p> <p>Nordion has made strides in communication and has been moving forward with discussions on how to develop a relationship based on AOPFN’s expectations and requirements. Nordion can continue improving in this category by formally recognizing our rights in the relationship agreement.</p>	<p>Far Below Expectation.</p> <p>No mention or recognition of rights, no support to protect rights, to respect for AOPFN’s territory or rights.</p>	<p>Neutral.</p> <p>BWXT is supporting the protection of AOPFN rights through funding to cultural programs, including our annual pow wow and round dance. However, BWXT has yet to commit to a longer term relationship with AOPFN. BWXT can continue improving in this category by formally recognizing our rights in a formal relationship agreement.</p>



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Metric / SCA	SRBT	Nordion	BTL	BWXT
<p>Risk communication with Indigenous peoples and management of public concern</p>	<p>Meets Expectations, improved from 2022.</p> <p>SRBT reached out to AOPFN to announce sampling plans and results. Lines of communication between SRBT and AOPFN have improved significantly in 2023.</p> <p>However, a more structured approach to communication would help mitigate risk perceptions. A relationship agreement would include regular check-ins with AOPFN staff and communication with community.</p>	<p>Below Expectation, improved from 2022.</p> <p>Communication has been improving, and there are clear plans to formalize communications with AOPFN staff and community members in the updated Nordion Indigenous Engagement Plan.</p>	<p>Far Below Expectation.</p> <p>There were no meaningful communications occurring in 2023, and BTL has shown no interest in collaborating with AOPFN on monitoring including the Neyagada Wabandangaki Guardian Program. An effective communications strategy needs to be co-developed between the parties to remedy this. Additionally, BTL did not communicate with AOPFN when they were out of compliance regarding decommissioning funds.</p>	<p>Meets Expectations, improved from 2022.</p> <p>AOPFN receives correspondence regarding operations; however, a more structured approach to communication would help mitigate risk perceptions. A communications strategy needs to be developed between the parties to remedy this. A relationship agreement would include regular check-ins with AOPFN staff and communication with community.</p>
<p>Integration of Indigenous Knowledge into site monitoring and management</p>	<p>Meets Expectations, improved from 2022.</p> <p>SRBT has made efforts to better include AOPFN in sampling activities, such as hiring an AOPFN Algonquin Knowledge Holder to</p>	<p>Below Expectation, improved from 2022.</p> <p>Nordion has hosted AOPFN for site visits, but more work needs to be done to develop a systematic approach to integration of AOPFN</p>	<p>Far Below Expectation.</p> <p>There has been no involvement or communication with AOPFN on sampling and monitoring.</p>	<p>Below Expectation.</p> <p>BWXT have asked how it can support the Neyagada Wabandangaki Guardian Program, and collection of Algonquin Knowledge and land</p>



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Metric / SCA	SRBT	Nordion	BTL	BWXT
	<p>provide a guided walk. However, SRBT did not integrate input from AOPFN into its sampling plans in 2023 (rather this happened in 2024), and has not indicated that it will provide funding for the Neyagada Wabandangaki Guardian Program to collaborate on environmental sampling. This funding is an expectation of AOPFN as laid out in our Nuclear Principles and Requirements.</p> <p>Work has been done in 2024 to improve this, however that is not within the scope of this submission.</p>	<p>knowledge and the Neyagada Wabandangaki Guardian Program.</p>		<p>use data. However, it has not yet 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>Meets expectations. Above review applies.</p>	<p>Neutral, significant improvement from 2022. Nordion has taken steps to make improvements. There are plans to have consistent quarterly meetings with AOPFN</p>	<p>Far Below Expectation. No engagement has occurred regarding planning, monitoring, and management.</p>	<p>Below Expectation. Above review applies.</p>



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Metric / SCA	SRBT	Nordion	BTL	BWXT
		staff on Nordion activities in the updated AOPFN and Nordion Engagement Plan.		
Contribution to reconciliation with Indigenous peoples	<p>Neutral.</p> <p>SRBT has taken steps to commit to reconciliation by having staff take the AOPFN Cultural Awareness Training and by reaching out to AOPFN to build relationships.</p> <p>To meet this expectation, SRBT should commit to a relationship agreement.</p>	<p>Neutral, improved from 2022.</p> <p>Nordion has taken steps to commit to reconciliation by having staff take the AOPFN Cultural Awareness Training and has developed a more comprehensive engagement plan and communications strategy. To meet this expectation, Nordion should commit to a relationship agreement.</p>	<p>Far Below Expectation.</p> <p>AOPFN has directly advised BTL staff of the Cultural Awareness Training to help build a relationship with AOPFN. BTL has not taken the CAT to date.</p>	<p>Neutral, improved from 2022.</p> <p>BWXT has provided funding for community initiatives such as the pow-wow; and its staff have taken AOPFN's Cultural Awareness Training. To meet this expectation, BWXT should commit to a relationship agreement.</p>
Level of community knowledge and support for site waste management and waste transport	<p>Below Expectation.</p> <p>Direct communication is required so AOPFN is made aware of waste transport. SRBT must commit to FPIC.</p>	<p>Below Expectation, improved from 2022.</p> <p>Nordion reached out to inform AOPFN of the upcoming renewal of its 25-year license to begin direct engagement during the technical review, alongside the</p>	<p>Far Below Expectation.</p> <p>Direct communication is required so AOPFN is made aware of waste transport. BTL must commit to FPIC.</p>	<p>Below Expectation.</p> <p>Direct communication is required so AOPFN is made aware of waste transport. BWXT must commit to FPIC.</p>



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Metric / SCA	SRBT	Nordion	BTL	BWXT
		<p>CNSC public hearing process.</p> <p>To continue improving, communication is required regarding nuclear material and waste transport through AOPFN territory.</p>		
<p>Engagement adequacy with Indigenous peoples</p>	<p>Neutral, improved from 2022.</p> <p>SRBT has not indicated interest in signing a relationship agreement with AOPFN, which would meet AOPFN's engagement requirement. There have been no meetings with community. However, SRBT has been working with AOPFN this year which is worth noting.</p>	<p>Neutral, improved from 2022</p> <p>Nordion has improved on engagement by developing the draft AOPFN and Nordion Engagement Plan and providing it to AOPFN for review, as well as expressing interest in developing a relationship agreement with AOPFN. Nordion leadership has also made strides in opening up direct communication and has hosted meetings with AOPFN staff to work on improving engagement.</p>	<p>Far Below Expectation.</p> <p>BTL reached out to AOPFN in 2022, and a short meeting occurred in 2023.</p> <p>BTL has stated that it will not be providing funding to AOPFN for engagement, and that AOPFN would have to seek funding from the CNSC. This is unacceptable and does not follow our engagement requirements.</p> <p>AOPFN has been very clear with BTL on our engagement requirements, and these</p>	<p>Neutral.</p> <p>BWXT has started investing in relationship building with AOPFN. However, BWXT hasn't signed a relationship agreement with AOPFN, which would meet AOPFN's engagement requirement. They have shown interests in more regular meetings.</p>



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Metric / SCA	SRBT	Nordion	BTL	BWXT
		<p>To continue improving, the relationship agreement needs to be finalized, and more consistent engagement needs to take place.</p>	<p>have been outright rejected or ignored.</p> <p>There have been some communications in 2024, and BTL acknowledged that the CNSC had informed it that engagement was not adequate.</p>	
<p>Communication and management of reportable incidents</p>	<p>Meets Expectations, improved from 2022.</p> <p>SRBT has developed an open, consistent and responsive line of communication with AOPFN. To improve further on this, a relationship agreement is needed to formalize communication expectations and plans.</p>	<p>Neutral, improved from 2022.</p> <p>Nordion has improved lines of communication. The updated AOPFN and Nordion Engagement Plan intends to add quarterly event reporting to AOPFN.</p> <p>To continue improving this, a relationship agreement is needed to formalize communication expectations and plans.</p>	<p>Far Below Expectation.</p> <p>Communication has been limited between BTL and AOPFN, and no engagement on reportable events or non-compliance has occurred, including on the recent non-compliance issue related to BTL's financial guarantee for decommissioning.</p>	<p>Neutral, improved from 2022.</p> <p>A relationship agreement is needed to establish communication expectations and plans.</p>



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SRBT Rating for 2023: Neutral

SRBT's overall performance rating for 2023 advanced from "below expectation" to "neutral". Notable improvement has been shown since the 2022 ROR in how SRBT works and communicates with AOPFN. AOPFN now has an open line of communication due to the establishment of an ongoing relationship with an individual at the company who is very responsive. SRBT's integration of Indigenous Knowledge into site monitoring and management activities is a work-in-progress that is showing improvement, as is its willingness to provide funding for AOPFN engagement. However, there is room for improvement in how SRBT engages with AOPFN. Perhaps most importantly, SRBT has not demonstrated any recognition or support of AOPFN rights in their operational procedures or regulatory oversight activities. SRBT's efforts to improve the level of community knowledge and support for site waste management and waste transport remains below expectations. Participation in sampling campaigns has improved primarily in 2024, which will be reported in next year's ROR report. A more structured approach to communication and Algonquin Knowledge would help mitigate risk perceptions. A formal relationship agreement, such as a "reconciliation agreement" or "Long-term Relationship Agreement" (LTRA), would likely improve the metrics described above because it would include a requirement for regular check-ins with AOPFN staff and enhanced engagement with the community.

Nordion Rating for 2023: Below Expectation (but improved from 2022)

Nordion's overall performance rating for 2023 advanced from "far below expectation" to "below expectation" and is moving towards "neutral". Nordion's commitment to Cultural Awareness Training in 2023 was a measurable contribution to reconciliation with AOPFN. More frequent direct communication and engagement have allowed Nordion and AOPFN to enter initial discussions about addressing AOPFN concerns. Site visits in 2023 included discussions of how to establish a relationship. Nordion committed to improving its Indigenous engagement program, including developing a communications strategy. These are all positive indications of Nordion's willingness to more meaningfully consider AOPFN objectives and concerns in operations and oversight processes. However, there is room for improvement. Nordion's engagement plan needs significant work to ensure engagement is meaningful and goes beyond mere notification of site activities, annual reporting, and regulatory processes. Nordion has hosted site visits, but more work is required to integrate Algonquin Knowledge in their site monitoring and management activities. Although Nordion has been reaching out to AOPFN more frequently, a more systematic approach to involving AOPFN and Algonquin Knowledge in monitoring, management, and risk communication would allow for a more meaningful relationship that ensures AOPFN concerns about risk in relation to the site can be meaningfully addressed.

BTL Rating for 2023: Far Below Expectations

Engagement with BTL remained far below expectations in 2023. The quality, frequency, and consistency of BTL's engagement has been very low. For example, AOPFN had one meeting with BTL in 2023 in which AOPFN explained its consultation expectations, after which AOPFN did not hear back for a year. BTL has made no indication of its willingness to recognize or support AOPFN Rights or collaborate with AOPFN on community risk perception or monitoring, including through the Neyagada Wabandangaki Guardian Program. Although it is outside the scope of our review of the BTL's performance in 2023 review, AOPFN notes that, in 2024, BTL again reached out to establish communication but categorically refused to provide funding.



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Furthermore, BTL also failed to inform AOPFN about the serious non-compliance issue noted above, which has direct impacts on community risk perception. AOPFN requires clear communication with all Licensees about all potential issues related to compliance and safety, as this is an essential (but not the only) step in addressing community perceptions about risk in relation to nuclear processing and storage facilities. More information will be provided on this issue in AOPFN's review of the 2024 UNSPF ROR.

BWXT 2023 Rating: Neutral

BWXT's overall performance rating for 2023 remains neutral. Although its performance has improved in recent years, AOPFN cannot confirm that it is currently meeting expectations due simply to the slow, incremental pace with which BWXT has engaged with AOPFN. For example, AOPFN sent its expectations for a relationship agreement framework in November of 2023, but BWXT has yet to respond as of the time this document was submitted. Likewise, AOPFN engaged with BWXT to develop an Indigenous relationship roadmap. More meaningful progress on the relationship agreement is the priority for AOPFN and would greatly increase the quality of the relationship between BWXT and AOPFN by allowing for clearer expectations and processes for funding; communication around issues of concern; addressing impacts AOPFN rights; community involvement and consideration of Algonquin Knowledge in monitoring; and community risk perception. AOPFN also notes that BWXT's commitment to fund AOPFN's cultural activities is a step toward reconciliation that demonstrates support for AOPFN's cultural rights.

CONCLUSIONS

This document has presented the findings of AOPFN's review of the CNSC's 2023 ROR for UNSPFs and our review of the UNSPF Licensees' performance for the same year. We would like to highlight that, although our review focused largely on areas for improvement in our relationship with the CNSC and UNSPFs, measurable improvement was made in some areas by some parties in 2023. These improvements demonstrate the willingness of those parties noted by us herein, to attain a higher level of engagement with AOPFN. In the case of CNSC, they include:

- Improvements in capacity funding;
- Greater consideration of AOPFN concerns, including better communication and more meaningful attempts to address concerns; and
- Greater involvement of AOPFN in the IEMP.

However, this document has focused mostly on areas for improvement in AOPFN's relationship with the CNSC in order to call attention to the need for more frequent, more consistent, and more meaningful engagement between all parties. AOPFN sets a high bar for engagement because our rights, needs, and objectives in relation to both existing and potential impacts of nuclear projects are complex and extremely important for our community to address.

The quality of engagement – that is, the extent to which our perspectives and concerns are considered and addressed by the CNSC and UNSPF Licensees – has direct bearing on our



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ability to continue practicing our inherent Indigenous rights, including the rights to harvest from our land and access healthy, sufficient physical and cultural resources and sites. To move toward meaningful engagement that protects AOPFN rights, several elements must come together in our relationship with CNSC and the UNSPFs:

1. We must have sufficient capacity to engage more meaningfully with both the CNSC and the UNSPF Licensees.
2. All AOPFN issues and concerns must be more closely tracked and meaningfully addressed.
3. AOPFN rights must be the backbone of how nuclear safety and risk are assessed in relation to our community, and this must be done through the use of our Aboriginal Rights Safety and Control Areas (ARSCAs) framework.
4. Algonquin Knowledge and perspectives on health, wellbeing, risk, and trust must be incorporated into project monitoring, because impacts to Algonquin rights and culture cannot be accurately measured without it. This should be reflected in the ROR and other regulatory oversight mechanisms.
5. Algonquin Knowledge must also be meaningfully integrated into the IEMP.
6. The Neyagada Wabandangaki Guardian Program must be sufficiently funded and enabled to participate in the IEMP.
7. The Algonquin Foods Program must be sufficiently funded.
8. Transparent, accessible, and consistent communication about risks, non-compliance, and reportable incidents at facilities must become the norm.
9. Cultural awareness training should be required for all CNSC and UNSPF employees and board members and should inform the development of all policies and procedures related to engagement with AOPFN.

These recommendations are intended to encourage a stronger relationship and greater trust between parties concerning how nuclear facilities are managed in AOPFN territory.



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APPENDIX 1: AOPFN'S RECOMMENDED SCAS FOR CNL SAFETY METRICS (2021 SUBMISSION)

In AOPFN's submission regarding the 2021 ROR, AOPFN and Sagkeeng Anicinabe First Nation proposed a set of eight safety and control areas (SCAs) to be added to CNSC's existing 14 SCAs to promote and protect Aboriginal Rights and address Indigenous determinants of health and safety. The expectation was that these new SCAs (the "ARSCA Criteria") would be used in post-2021 reporting for CNL and other nuclear activities on Indigenous lands. However, the ARSCA Criteria are not in evidence in CNSC's 2022 reporting. They have been included again here as part of a renewed recommendation on the part of AOPFN that CNSC adopt the ARSCA Criteria as an integral part of their future reporting.

Proposed SCA	Description
Recognition of, protection and promotion of Aboriginal rights	<ul style="list-style-type: none"> • Does the site have measures in place, co-identified with impacted Indigenous peoples, to support the protection and promotion of: <ol style="list-style-type: none"> 1. Rights protected under Section 35 (hunting, trapping, harvesting, and fishing) and; 2. Principles under UNDRIP (Free, Prior and Informed Consent; Self-Determination; Cultural Protections; Indigenous Health);
Risk communication with Indigenous peoples and management of public concern	<ul style="list-style-type: none"> • Does the site have an effectively functioning program that communicates risks to Indigenous peoples in a timely, effective, and accepted manner? • Is the information being sent through effective and accepted communication channels? • Are public concerns about the facility low, moderate, or high?
Integration of Indigenous Knowledge into site monitoring and management	<ul style="list-style-type: none"> • How is Indigenous Knowledge integrated into monitoring of the site and its surroundings? Do impacted Indigenous groups have a demonstrable role in identifying adaptive management measures?
Engagement of Indigenous peoples in site planning, monitoring and management	<ul style="list-style-type: none"> • Is there a system in place whereby impacted Indigenous groups are integrated into site planning, monitoring and management - research, analyses, decisions, and implementation?



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Proposed SCA	Description
Contribution to reconciliation with Indigenous peoples	<ul style="list-style-type: none"> • Do the site operations and the relationship between CNL and impacted Indigenous groups contribute to better relations between Canada and impacted Indigenous peoples? • Are there demonstrable positive benefits to Indigenous peoples from the site? • Does the site communicate effectively and regularly with impacted Indigenous nations regarding past, present, and future operations? • How is the site improving communication and relations with Indigenous nations regarding past relationships? • Do CNL and CNSC integrate Indigenous values into site monitoring, planning, and reviews? (i.e., assessing risk from an Indigenous lens, accounting for past harms and traumas)
Level of knowledge and support for site waste management by Indigenous peoples.	<ul style="list-style-type: none"> • Does the site maintain communication and consultation with impacted Indigenous groups regarding onsite materials management, ultimate disposal plans, import and export types and volumes, and transportation methods and protocols? • How are Indigenous concerns and recommendations integrated?
Engagement adequacy with Indigenous peoples	<ul style="list-style-type: none"> • Does the site meet a minimum standard of adequacy of engagement with each impacted Indigenous group by CNL in a given year? (As a Pass or Fail outcome)
Communication and management of reportable incidents	<ul style="list-style-type: none"> • Were all reportable incidents promptly reported to impacted Indigenous groups and followed up on with additional communications?