



CMD 26-H100.6

Date: 2026-06-17

**Written Submission from the
Passamaquoddy Recognition
Group Inc. on behalf of the
Peskotomuhkati Nation**

**Mémoire du
Passamaquoddy Recognition
Group Inc. au nom de la Nation
Peskotomuhkati**

In the matter of the

À l'égard des

Canadian Nuclear Laboratories

Laboratoires Nucléaires Canadiens

Application to amend the licence and
licensing basis for the Gentilly-1 Waste
Facility

Demande concernant la modification de
leur permis et du fondement
d'autorisation pour l'installation de
gestion des déchets de Gentilly-1

**Hearing in writing based on written
submissions**

**Audience par écrit fondée sur des
mémoires**

July 2026

Juillet 2026



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June 17, 2026

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Via email to: consultation@cnscccsn.gc.ca and Interventions@cnscccsn.gc.ca

**Re: Canadian Nuclear Laboratories' Application to Amend the Waste Facility
Decommissioning Licence for the Gently-1 Waste Facility**

This submission is made by the Passamaquoddy Recognition Group Inc. (PRGI), on behalf of the Peskotomuhkati Nation in Canada. We represent the interests of Peskotomuhkati rights holders and ecosystem. Our duty is to protect our lands, waters, and environment for all present and future generations. This submission is made in response to Canadian Nuclear Laboratories' ("CNL") application seeking a licence amendment to proceed with decommissioning at the Gently-1 Waste Facility ("G-1").

PRGI is aware of a number of references throughout the licensing documents which lend the impression that we have been involved and our Nation's input, accounted for in this licensing matter. We wish to immediately correct the record and ensure our position is unequivocal: the CNSC has systematically denied PRGI's requests to be consulted, and our concerns remains unaddressed and outstanding.

Below are just a few examples that may leave the Commission, other Nations, and the public with the impression that PRGI has been meaningfully engaged in this matter. We provide the following details and context so that there is no misconception of our position and treatment:

- CNSC Staff express that PRGI is among the nations that has “expressed an interest in the licence amendment application and applies for Participant Funding to intervene.”¹ PRGI wishes to confirm that our requests for information, consultation and engagement and capacity funding have been denied in full, even though there was \$5,600 in unused participant funding and only one other Indigenous Nation received funding. While conversations have occurred, they were largely focused on PRGI having to defend why its inclusion was necessary, rather than on meaningful consultation regarding project impacts and decision-making.
- CNSC Staff state “discussions were also had with PRGI...regarding the federal lands assessment through the review process.”² These discussions were largely one-sided and amounted to the CNSC defending its *ad hoc* approach to federal assessments under section 82 and 84 of the *Impact Assessment Act*. These were not dialogue sessions aimed at finding solutions or a way forward that aligns with impact assessment best practice and our Nations’ laws and processes.
- CNL writes that “CNL does not manage or operate nuclear facilities on behalf of AECL within the rights holders’ [PRGI’s] territory...the concerns do not articulate an adverse impact on the Nation’s rights as a result of the Project.”³ This statement demonstrates a fundamentally flawed understanding of Indigenous rights and our territory; earlier in the same document CNL states “key audiences” with whom there is a “requirement for Indigenous... engagement” includes the Wabanaki Territory.⁴ PRGI is squarely within the Wabanaki Territory and CNL itself depicts PRGI within Wabanaki Territory on maps included in its own application materials.⁵ This is an egregious oversight in breach of Constitutional law to consult and engage PRGI.

We request the CNSC and CNL take immediate corrective action to:

1. Suspend the hearing. No hearing about us can proceed without us. PRGI has repeatedly sought participation in good faith and should not now be prejudiced by the Crown's failure to provide the consultation, information, and capacity support necessary for meaningful engagement;

¹ CNSC Staff Submission, p 31

² CNSC Staff, “CMD 26-H100,” p 32

³ CNL, “Gentilly-1 Waste Facility Licence Amendment Application Environmental Protection Measures for Decommissioning and Demolition,” p 51 and 52

⁴ *Ibid*, p 41

⁵ CNL, “Gentilly-1 Waste Facility Decommissioning Indigenous Communications Supplementary Report (2023 January – 2026 February), Figure 1, p 9

2. Restart the federal assessment of the project which per section 84 of the *Impact Assessment* requires Indigenous knowledge in respect of the project;
3. Require CNSC and AECL to provide a clear, transparent, and coordinated framework explaining how their respective obligations under sections 82 and 84 of the *Impact Assessment Act* will be discharged in a manner that is coherent, fair, and respectful of Indigenous rights; and
4. Restart the licensing review for the application, recognizing that the Crown owes a Constitutional duty to PRGI to protect and uphold our rights and interests;

This licensing and federal assessment for the Gently-1 Project cannot lawfully proceed under section 24 of the *Nuclear Safety and Control Act* or section 82 of the *Impact Assessment Act* until PRGI has been engaged, and the provision of adequate information about G-1 and its effects, and the resourcing of PRGI to participate meaningfully in the assessment of impacts on Indigenous peoples satisfied.

We have consistently maintained that nuclearized Indigenous communities must be engaged in decommissioning decision-making. Indigenous communities disproportionately bear the environmental and health burden of nuclear and extractive industries throughout Canada. As a ‘nuclearized’ nation that will forever live with the legacy of radioactive contamination and endure Peskotomuhkati rights being impacted because of the nuclear industry in Canada, we are particularly concerned by CNSC and AECL’s lack of recognition of our Nation.

The decommissioning of this nuclear facility is an unfortunate example that nuclear colonialism continues to reign in Canada. It is beyond past time to halt the short-sighted approach of the last 75 years, wherein nuclear operations have proceeded absent end-of-life planning, our inclusion and consent. We expect and demand an approach that upholds our rights and advances the Crown’s ultimate purpose: reconciliation.

Sincerely,



Chief Hugh Akagi, Passamaquoddy Nation

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