



CMD 26-H100.6A
CMD 26-H100.11B

Date: 2026-09-25

Supplementary Information

**Written Submission from the
Passamaquoddy Recognition
Group Inc. on behalf of the
Peskotomuhkati Nation, and from
the Kebaowek First Nation**

In the matter of the

Canadian Nuclear Laboratories

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

**Hearing in writing based on written
submissions**

July 2026

Renseignements supplémentaires

**Mémoire du
Passamaquoddy Recognition
Group Inc. au nom de la Nation
Peskotomuhkati, et de la Première
Nation Kebaowek**

À l'égard des

Laboratoires Nucléaires Canadiens

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

**Audience par écrit fondée sur des
mémoires**

Juillet 2026



Annik Tanguay
Senior Tribunal Officer, Commission Registry
Canadian Nuclear Safety Commission

via interventions@cnsccsn.gc.ca

September 25, 2026

Re: Joint Response to the Procedural Direction - Application to Amend the Licence and Licensing Basis for the Gentilly-1 Waste Facility

Dear Members of the Commission,

This letter is provided jointly by Kebaowek First Nation ("KFN") and the Passamaquoddy Recognition Group Inc. ("PRGI"), on behalf of the Peskotomuhkati Nation in Canada, in response to the Canadian Nuclear Safety Commission's ("CNSC") Procedural Direction issued August 28, 2026, providing for a supplemental opportunity to comment on Canadian Nuclear Laboratories' ("CNL") request for a licence amendment for its Gentilly-1 Waste Facility ("G-1").

While we are distinct Nations, we share common experiences: we are Nations where nuclear activities occur without our free, prior and informed consent and we live knowing that these radiological hazards will forever impact our relatives and future generations. Together, we recognize that decommissioning activities occurring in Wabanaki Territory – which is home to both G-1 and the Peskotomuhkati Nation – will impact Algonquin Nations, including Kebaowek – as recipients of this decommissioning waste.

It is on this basis we share the following shared concerns and recommendations with the Commission to inform your deliberations on the G-1 licence amendment.

1 – Troubling Trend of Disengagement & Narrowing of Scope and Impacts

Both KFN and PRGI have experienced an unjustifiably poor attempt by the CNCS to engage our Nations. As KFN has highlighted, spent fuel from G-1 was transported to Chalk River, within unceded Algonquin territory, before the present licence amendment application was brought forward. KFN was not provided

prior notice or the information required to understand the authorization for the transfer, its risks, and storage arrangements. To date, no consultation regarding this transfer of high-level radioactive waste to unceded Algonquin territory has occurred.

PRGI has similarly experienced deliberate attempts by the CNSC to frustrate our inclusion despite our direct interest. For instance, while CNSC and CNL materials recognized G-1 as being within Wabanaki Territory and requiring Indigenous engagement, respectively, we were denied that very right to consultation. Despite making this known to the CNSC, no engagement, notice nor consultation occurred. What's more, funding supports to enable our ability to be informed, appear and comment, were denied in full.

Consultation cannot be meaningful where Indigenous Nations lack access to information, necessary for us to assess impacts and thus respond in an informed manner. Respecting Indigenous voices and communities, who stand to be most directly affected by the nuclear sector's legacy including its radioactive wastes, requires our robust and meaningful engagement, attuned to our Indigenous laws so that we can advance reconciliation, build trust and nation-to-nation engagement.

Unfortunately, our shared experience reveals a disturbing trend by the CNSC of evading Constitutionally protected Indigenous rights. It is also troubling that the CNSC seeks to shift the burden of consultation – which rests with the Crown – on the very Nations who are adversely impacted. Due to our deep care for our people, land, water and future generations, we are left with no choice but to submit these letters to the CNSC – to ensure our voice and objections are recorded.

2 – The licence amendment cannot be granted while statutory and Crown obligations remain unfulfilled

This licence amendment attracts a number of statutory and Crown obligations that must be fulfilled before the Commission can proceed with granting the licence:

1. Section 24(4) of the *Nuclear Safety and Control Act* ("NSCA") sets out the conditions for issuance of a licence. As the Commission is an Agent of Her Majesty per section 8(2) of the *NSCA*, the obligation to fulfill the Honour of the Crown rests with the CNSC;
2. Section 84 of the *Impact Assessment Act* ("IAA") requires before a decision as to 'significant adverse environmental effects' is made, the CNSC - which is among the federal authorities for this project – must consider "Indigenous knowledge provided with respect to the project"; and
3. Articles 29(2) and 32(2) of the *United Nations Declaration on the Rights of Indigenous Peoples* ("UN Declaration") and its domestic counterpart, the *United Nations Declaration on the Rights of Indigenous Peoples Act* set out that the transport, storage and disposal of hazardous waste

requires our free, prior and informed consent and consultation and cooperation must be done in good faith through our representative institutions.

In all three instances, the CNSC has failed to fulfill these legal obligations: the Crown's duty to consult for this licensing matter pursuant to the *NSCA* remains unrecognized; a lack of sufficient resourcing, information sharing and engagement has prevented any inclusion of our Indigenous knowledge in respect of the project per the *IAA*; and no engagement has occurred such that the principles and rights set out in *UN Declaration* and the *UNDA* can be respected and upheld.

Requested Action

The CNSC's approach to date erodes our Nations' trust in the regulatory process and risks avoiding, rather than facilitating, scrutiny by the Indigenous rights-holders whose territories bear the consequences of these decisions – whether at the front end, when decommissioning activities are taking place – or at the end, when these wastes reach their destination for disposal.

Our requests to the Commission are thus as follows:

1. Decisions about G-1 including decommissioning standards, waste management, financial guarantees, and oversight must be directly informed and shaped by KFN and PRGI, as both our homelands are unquestionably impacted and our rights engaged;
2. The Commission direct CNSC Staff to ensure our full, fair, and funded participation as a prerequisite to this licensing matter, such that we can communicate our views and concerns, understand the impacts to our rights and ensure the rights set out in the *UN Declaration* are respected;
3. The licence amendment be denied recognizing there is not the requisite basis to support a decision under section 24(4) of the *NSCA* nor s 82 of the *IAA*.

Sincerely,



Chief Hugh Akagi
Passamaquoddy Nation



Chief Lance Haymond
Kebaowek First Nation

cc

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