



WHAT WE HEARD REPORT

Preliminary Early Engagement for
REGDOC 3.2.2, *Indigenous Engagement*

2023

1.0 Preamble

The Canadian Nuclear Safety Commission (CNSC) is committed to meaningful engagement and consultation with Indigenous Nations and communities and has sought early feedback on proposed updates to [Regulatory Document \(REGDOC\) 3.2.2 Indigenous Engagement](#) (REGDOC 3.2.2.) Preliminary feedback from Indigenous Nations and communities and industry working with the CNSC will help to enhance the next version of the REGDOC for Indigenous Peoples, the nuclear industry and the CNSC.

2.0 Introduction

REGDOC 3.2.2, aims to set out requirements and guidance on Indigenous engagement for nuclear facility licensees, and nuclear project proponents. The REGDOC provides direction for licensees in support of the whole-of-government approach to Indigenous consultation implemented by the CNSC in cooperation with federal departments and agencies. REGDOC 3.2.2 is undergoing a full review, based on CNSC's review process for REGDOCs, to reflect the new and evolving context and expectations of consultation and engagement since the REGDOC's publication in 2016.

The CNSC regularly reviews regulatory documents to ensure they align with the latest safety standards, regulations and changes to the law. Changes to relevant legislation are carefully assessed to gauge their potential effects on regulatory documents, such as REGDOC 3.2.2 and other policy instruments. Consequently, REGDOCs are subject to ongoing enhancement through a transparent and open development process. REGDOC 3.2.2 will be reviewed and updated should there be any significant changes in case law and requirements with regards to consultation and engagement in the future.

CNSC staff will seek further feedback in 2024 during the formal consultation period which will be announced along with a funding opportunity through the CNSC's [Indigenous and Stakeholder Capacity Fund](#). All Indigenous Nations and communities and nuclear industry proponents will be able to contribute to the REGDOC update process in the formal consultation period.

2.1 Purpose

This report summarizes the feedback received from both Indigenous and industry participants during the preliminary engagement process for REGDOC 3.2.2. CNSC staff have included responses to the comments and concerns voiced by participants, detailing how each issue will be considered moving forward. This summary of feedback will help inform the drafting of the next version of the REGDOC. In the drafting period for REGDOC 3.2.2 all feedback received during this preliminary engagement phase will be taken into consideration. While not all comments will be addressed in the updated REGDOC because of the scope of the CNSC's mandate and authorities under the [Nuclear Safety and Control Act](#) (NSCA), these were still valuable contributions to the process and will assist CNSC staff in learning more about the concerns of Indigenous Nations and communities and industry. The formal consultation period will provide the opportunity for more input on the next version of this important REGDOC.

This report provides a summary of the feedback received on the proposed changes to the REGDOC, as presented in the discussion papers (see, [3.1 Relevant Documents](#)). The discussion papers detailed three main proposed changes:

1. Expanding the applicability of the REGDOC to include all Class 1 and UMM facilities, regardless of if the duty to consult has been raised.

2. Encouraging licensees to create Indigenous Engagement Programs.
3. Adding more general guidance on Indigenous engagement.

CNSC staff also identified issues with the current version of the REGDOC. Each of the discussion papers included guiding questions to encourage detailed feedback from participants.

3.0 Early engagement process

CNSC recognizes the importance of early engagement with Indigenous Nations and communities and industry partners to improve our regulatory documents. These early discussions bring valuable insights and help inform CNSC's future drafting and formal consultation on REGDOC 3.2.2.

CNSC staff developed a discussion paper (see, [3.1 Relevant Documents](#)) that identified proposed changes to the REGDOC 3.3.2 that was shared with 30 Indigenous Nations and communities for review based on their knowledge of CNSC processes and their familiarity with the REGDOC. As well, CNSC has relationship agreements with many of these Indigenous Nations and communities. Indigenous participants were given 45 days from June 2 to July 14, 2023 to review and provide comments on the discussion paper. CNSC staff were flexible with timeline extension requests and, when requested, provided funding through the CNSC's funding programs to support early engagement and feedback from interested Indigenous Nations and communities. Overall, we received extensive feedback from 17 Indigenous Nations and communities, in writing and orally. In meetings, Indigenous participants had engaging discussion by offering their real-world experiences working with the REGDOC and licensees. The future formal consultation period for the REGDOC will be opened to all interested Indigenous Nations and communities who wish to participate.

Additionally, CNSC staff solicited feedback from a targeted portion of the nuclear industry from July 19, 2023 to September 8, 2023 through the CANDU Owners Group (COG), which represents a broad cross-section of the nuclear sector in Canada. Again, CNSC staff were flexible with requests for timeline extensions. A second discussion paper (see, [3.1 Relevant Documents](#)) was distributed through COG and CNSC staff met with COG representatives to discuss the proposed REGDOC updates. The discussions and feedback received were thoughtful, detailed and helpful.

3.1 Relevant Documents

List of documents relevant to the WWHR:

1. [REGDOC 3.2.2, Indigenous Engagement, Version 1.2](#)
2. Discussion Paper for Indigenous Nations and communities (e-Docs #7005394)
3. Discussion Paper for CANDU Owners Group (e-Docs #7061593)

4.0 Feedback

The feedback received is divided into two main sections: first, responses to the proposed changes to the REGDOC, and second, feedback on the REGDOC more generally.

Again, the three main proposed changes are:

1. Expanding the applicability of the REGDOC to include all Class 1 and UMM facilities, regardless of if the duty to consult has been raised.
2. Encouraging licensees to create Indigenous Engagement Programs.

3. Adding more guidance on Indigenous engagement generally.

The general feedback has been categorized into the following themes:

1. Clarity
2. Ongoing Indigenous participation
3. Duty to consult and accommodate
4. United Nations Declaration on the Rights of Indigenous Peoples
5. Other guidance.

The general feedback comes from participant experiences working with the REGDOC and covers some topics that were not included in the discussion papers. Some feedback shown here is outside of the scope of the CNSC's mandate, however CNSC staff included these voices in the report as licensees may be able to play a role in addressing those comments and concerns. Additionally, the report seeks to provide a comprehensive record of all concerns raised in the early engagement process. Effort has been made to distinguish between commentary from Indigenous and industry participants.

4.1 Feedback on Discussion Papers

Indigenous participants generally agreed with the issues and key areas of focus that were identified in the CNSC's discussion paper. However, participants noted that the scope of the discussion paper could have been broader and covered other areas for discussion and consideration, such as the [United Nations Declaration on the Rights of Indigenous Peoples \(UNDRIP\)](#) principle of Free, Prior, and Informed Consent.

Similarly, feedback from Industry was constructive and included many points to ensure that the proposed changes add clarity to the updated REGDOC.

4.1.1 Proposed Change 1: Expanding the Applicability of the REGDOC to the Nuclear Lifecycle

In the current version of the REGDOC, the duty to consult acts as the trigger that requires Indigenous consultation. Indigenous participants were supportive of the proposed change to the REGDOC and encouraged licensees to engage with Indigenous Nations and communities potentially affected by projects and licence applications early and often in any project process, regardless of if the formal duty to consult is triggered. It was stated that licensees should work closely with potentially affected Indigenous Nations and communities regarding any activities that might adversely impact s.35 Indigenous and/or Treaty rights. Indigenous participants observed that they must be involved with any project happening in their territory and with all projects that have potential rights impacts.

Industry participants were concerned about how the duty to consult would function in this new framework. It was emphasized that the roles and responsibilities for Indigenous Nations and communities, licensees, and the CNSC should be clearly outlined in the updated REGDOC. Industry participants also raised questions about how the duty to consult is both accounted for and discharged by the CNSC.

Moving Forward on Proposed Change 1

CNSC staff will take the preliminary feedback on this proposed change under advisement while drafting the next version of the REGDOC. CNSC staff understand Indigenous Nations and communities' expectations for engagement early and often in any project process and we will continue to encourage

industry proponents to work with communities as early as possible. CNSC staff will strive to make the roles and responsibilities for Indigenous engagement as clear as possible within the REGDOC.

4.1.2 Proposed Change 2: Encouraging the Creation of Indigenous Engagement Programs

At this time, the REGDOC does not require licensees to facilitate lifecycle engagement at their facilities or have Indigenous Engagement Programs. Presently, the discussion surrounding Indigenous Engagement Programs in the REGDOC is aimed at establishing them as a mandatory requirement for all Class 1 and uranium mine and mill (UMM) licensees. The majority of Indigenous participants conveyed that Indigenous Engagement Programs must be a requirement in the REGDOC, as making the programs a suggestion and not a formal requirement would fall short of Indigenous participants' expectations. Indigenous participants noted that licensees should always engage with Indigenous Peoples before, during, and after their licensing term and emphasized the need for transparency in the creation of engagement programs. The significance of early engagement and sustained involvement following regulatory review and approvals processes was underscored by many participants to ensure the meaningfulness of the engagement process. It was also suggested that requirements for engagement activities may be triggered at a lower threshold than the duty to consult.

Indigenous participants stated that they want licensees focused on the quality of information sharing and dialogue, rather than the number of meetings, presentations, or newsletters, which will lead to more informed Indigenous Nations and communities who can share their own knowledge, participate in meaningful dialogue, and influence projects. It was proposed that sharing interim status reports with Indigenous organizations should be required. Furthermore, it was recommended that all engagement programs include a risk communication plan, which could include notification of reportable incidents. Overall, there was emphasis on the importance of good faith relations with licensees and Indigenous Nations and communities who are impacted by regulated sites.

Industry participants stated that by ensuring Indigenous Engagement Programs exist, CNSC will support reconciliation and encourage positive relations between licensees and Indigenous Nations and communities. Concern was voiced about how Indigenous Engagement Programs might function alongside and relate to the duty to consult, and appear in compliance requirements, such as Licence Condition Handbooks (LCHs). It was stated that the requirement for these programs should not apply a one-size-fits-all model to Indigenous Peoples, as existing engagement programs are often tailored to different facilities and individual Indigenous Nations or communities' circumstances and preferences. Additionally, it was expressed that there should be sensitivity around requirements to report on specific engagement activities with Indigenous Peoples, especially where there are privacy and confidentiality concerns; some agreements between licensees and Indigenous Nations or communities are confidential and should not be required to be made public. Finally, Industry participants also stated that the updated REGDOC should respect Indigenous Peoples' choice to participate or not participate in any Indigenous Engagement Program that would be encouraged by the CNSC and the REGDOC.

Moving Forward on Proposed Change 2

The discussion papers did not go into detail on what the CNSC envisioned for Indigenous Engagement Programs. CNSC staff seek instead to ensure that each licensee has an established plan for working with Indigenous Nations and communities whose territory the facilities are on. CNSC staff will not dictate how licensees engage with these programs or become involved in private agreements between Indigenous Nations and communities and licensees. Nor will CNSC staff require individual programs for each Indigenous Nation or community being engaged by the licensee. In terms of a requirement, the

CNSC wants licensees to move beyond outreach and information sharing to proactive, meaningful engagement and relationship-building throughout the lifecycle of their facilities. Indigenous Nations and communities expect meaningful engagement and by ensuring the provision for an Indigenous Engagement Program appears in the Licence Condition Handbooks (LCHs), the updated REGDOC will create more consistency and help the nuclear industry move towards a lifecycle approach to engagement.

Concerns about how compliance and reporting may function with Indigenous Engagement Programs have been noted. CNSC staff will provide guidance to licensees to ensure that any compliance information will be explained in a clear and transparent manner that addresses the concerns raised by Indigenous Nations and communities and licensees to date. Additionally, the updated REGDOC could include more information on how licensees might consider doing engagement with Indigenous Nations and communities.

4.1.3 Proposed Change 3: Providing Additional Guidance to Licensees

There was strong support for offering improved and more comprehensive guidance for licensees on how to engage and consult with Indigenous Nations and communities. Indigenous participants offered additional topics that were not included in the discussion paper's list that the CNSC should consider including in the updated REGDOC. It was noted that additional pieces of guidance could be co-drafted with interested Indigenous Nations and communities. Further, Indigenous Peoples can contribute to the list of new guidance and assist during the formal consultation period for the REGDOC that is currently scheduled to take place in 2024. It was suggested that licensees need to be more knowledgeable on Indigenous issues and provide further economic prospects outside of job offers, such as investment opportunities. Indigenous participants conveyed that the REGDOC should include specific guidance to ensure that engagement and consultation activities are consistent with Indigenous Peoples' laws, Canadian law, UNDRIP, consultation protocols, and other CNSC Memorandums of Understanding, such as those with [Fisheries and Oceans Canada](#) and [Environment and Climate Change Canada](#).

Indigenous participants were particularly interested in adding more guidance on Indigenous Knowledge to the next version of the REGDOC. There was support for the inclusion of information on Indigenous Knowledge and it was recommended that the REGDOC provide more detail on intellectual property rights regarding the appropriate use of Indigenous Knowledge. It was indicated that there is a need for more dialogue with licensees on how Indigenous Knowledge is incorporated into project plans. Industry participants cautioned that inclusion of Indigenous Knowledge should not be a requirement and remain at the prerogative of Indigenous Nations and communities.

Industry participants supported further guidance on other topics in the REGDOC, but they were wary of this guidance potentially becoming new requirements in a manner that would prevent Indigenous Nations and communities and licensees from developing flexible, authentic relationships. It was stated that expanding and augmenting engagement and consultation guidance is a positive step that gives industry and Indigenous Nations and communities more opportunities to work together.

Moving Forward on Proposed Change 3

CNSC staff will explore additional guidance that could be included in the updated REGDOC during the drafting period, with an understanding that the CNSC can only operate within the boundaries of its current mandate. Indigenous Nations and communities and industry will receive more information on this proposed change during the formal consultation period.

4.2 General Feedback

The following feedback was beyond the scope of the proposed changes outlined in the discussion papers. Some of this feedback was prompted by the guiding questions included in the discussion papers (see, [3.1 Relevant Documents](#)). Other details were provided based on the participants' experiences working within the REGDOC. Finally, different comments were received about specific sections of the current version of the REGDOC.

This general feedback was grouped into categories to better summarize what we heard. The categories include clarity, Indigenous participation, duty to consult and accommodate, [United Nations Declaration on the Rights of Indigenous Peoples \(UNDRIP\)](#), and other guidance. Each of the categories includes a statement on how CNSC staff will address these comments to improve the next version of the REGDOC.

4.2.1 Clarity

Indigenous and industry participants both spoke of a need to ensure the updated REGDOC is clear and understood among the CNSC, industry, and Indigenous Nations and communities. CNSC acknowledges that there are particular topics and sections of the REGDOC that can be updated to ensure greater clarity for both Indigenous Nations and communities and licensees.

Indigenous participants added that the updated REGDOC should:

1. Define all terminology.
2. Define meaningful engagement.
3. Define potential or established Indigenous and/or treaty rights.
4. Minimize jargon.
5. Emphasize that Indigenous Peoples are rights-holders not stakeholders.

Industry participants made similar statements regarding definitions and clarity, suggesting:

6. Clearly define roles and responsibilities for CNSC, licensees, and Indigenous Nations and communities in the REGDOC.
7. Define consultation and engagement.
8. Outline CNSC's expectations for engagement compared to the duty to consult.
9. Ensure that added text is clear and not open for interpretation.

Moving Forward on Clarity

CNSC recognizes the REGDOC should be clear and easy to use. CNSC staff will look to add clarity regarding roles and responsibilities for the CNSC, licensees, and Indigenous Nations and communities, as well how further definitions and precision on key concepts and terms could be included in the updated REGDOC.

All feedback received during this preliminary early engagement phase will be taken into consideration during the formal drafting period.

4.2.2 Ongoing Indigenous Participation

Indigenous participants expressed the need for more opportunities for Indigenous participation throughout the lifecycle of nuclear projects and in licensee processes. Indigenous participants stated:

1. There was interest expressed in fostering more Indigenous involvement in decision-making and management, but also in site planning, research, analyses, and monitoring, guardian, or land-based stewardship programs. It was suggested that the updated REGDOC include guidance for licensees on Indigenous procurement, partnerships, and economic reconciliation.
2. The concern that industry may not share reportable events with Indigenous Nations and communities was raised by numerous Indigenous participants in this early engagement phase. It was observed that while event reporting is mentioned in [REGDOC 3.2.1, Public Information and Disclosure](#), it does not describe how these events are communicated with Indigenous Nations and communities. Indigenous participants expressed that licensees might minimize or miss potential adverse impacts to Indigenous rights in their reviews of sites or facilities. It was suggested that a requirement for sharing reportable events to Indigenous Nations and communities could help mitigate these concerns.
3. It was observed that long-term relationship agreements or terms of reference arrangement are good tools to facilitate ongoing relationships with licensees and create opportunities for Indigenous Nations and communities to join licensees' processes. Indigenous participants indicated that through long-term relationship agreements, many concerns about reporting mechanisms can be addressed.
4. It was stressed that initiating engagement with Indigenous Nations and communities at the early stages of a project process is crucial for achieving meaningful engagement. Indigenous participants cited examples of nuclear industry proponents first submitting applications to the CNSC and later starting engagement activities with Indigenous Nations and communities potentially affected by the site. Indigenous participants suggested that the REGDOC require pre-consultation work, even if that happens many years in advance of a project's submission to CNSC processes.
5. It was noted Indigenous participation will be essential for updating this REGDOC and added capacity funding will be crucial for Indigenous involvement during the formal consultation period.

Moving Forward on Ongoing Indigenous Participation

CNSC aims to ensure the meaningful participation of Indigenous Nations and communities throughout the lifecycle of nuclear projects and facilities and within CNSC's processes. CNSC staff will gauge how licensees could share and communicate information with Indigenous Nations and communities, especially regarding incidents and reportable events, to better build trust and foster stronger relationships. CNSC will explore how guidance on this information sharing could be included in an updated version of the REGDOC. Notably, the communications guidance currently in REGDOC 3.2.2 does not pre-empt or preclude any communications or disclosure guidance or requirements in REGDOC 3.2.1, *Public Information and Disclosure*. CNSC Staff will work to ensure that both REGDOC 3.2.2 and 3.2.1 are aligned in their requirements and guidance.

Indigenous Nations and communities will be included in the process to update the REGDOC during the formal consultation period in 2024. Funding support will be available during formal consultation through Stream 2 of the [Indigenous and Stakeholder Capacity Fund](#).

All feedback received during this preliminary engagement phase will be taken into consideration during the formal drafting period.

4.2.3 Duty to Consult and Accommodate

Indigenous participants stated that the next version of the REGDOC should have much more detail on the duty to consult and accommodate. The statements included:

1. There was strong support for including more information on the roles and responsibilities of CNSC, licensees, and Indigenous Nations and communities within the duty to consult and accommodate.
2. It was requested that the REGDOC add more information for licensees delineating rights-based consultation and interest-based consultation. Similarly, it was suggested that licensees should be required to engage with Indigenous governments, not just rights-bearing individuals.
3. It was noted that the REGDOC could clarify the scope of remedial powers available to accommodate potential impacts to Aboriginal and/or Treaty rights. Additionally, Indigenous participants indicated that the REGDOC should have more information on accommodation measures.
4. The REGDOC needs to better define which procedural aspects of the duty to consult are delegated to industry.
5. The CNSC should ensure that the REGDOC's capacity for regular updates reflect developments in case law.
6. There was concern that consultation within regulatory or industry timelines do not always align with Indigenous timelines for consultation.

Industry participants agreed that the REGDOC needs more precision regarding the duty to consult and accommodate. Industry participants said:

7. The REGDOC should include guidance on how the CNSC discharges the duty to consult in situations with competing rights (Treaty rights, asserted rights, and ongoing litigation). Also, it was suggested the REGDOC add guidance on the spectrum of rights holders, define engagement through consultation, and establish where accommodation would be necessary.
8. CNSC should define which procedural aspects of the duty to consult are delegated to industry. It was stated that the REGDOC could provide further guidance to licensees who have not been delegated procedural aspects of the duty to consult.
9. The REGDOC should provide clarity on CNSC legal obligations and the constitutional protection of rights, which could be included with the explanation of the Crown's relationship with Indigenous Peoples.
10. The REGDOC should include additional information on the spectrum of consultation and accommodation.
11. CNSC should include a tool to identify the proximate Indigenous Nations and communities to a facility, as well as Treaties.
12. Defining adverse impacts and providing guidance on determining an adverse impact would be beneficial.

13. The REGDOC should provide details to help licensees understand how CNSC accepts a consultation record or chooses to delay a licence to facilitate further consultation.
14. The REGDOC should explain how the CNSC determines when an Indigenous Nation or community are rights-holders or interest-based.

Moving Forward on the Duty to Consult and Accommodate

CNSC is committed to exploring how to include more details on the duty to consult and accommodate in the updated REGDOC and clarifying the roles of CNSC, licensees, and Indigenous Nations and communities in the consultation and regulatory review process. For example, the REGDOC could provide additional guidance on how to approach rights-bearing and/or interest-based consultation. The duty to consult may be triggered where the Crown's action or decision has the potential to adversely affect Indigenous section 35 rights as guaranteed in the [Constitution Act, 1982](#). The duty to consult and accommodate is a constitutional obligation for the CNSC as a Crown agent and it will continue to be central to the objectives and focus of the REGDOC. CNSC staff will review the details on how licensees support the CNSC in upholding the honour of the Crown and meeting its constitutional obligations to evaluate how it can be clearer in the updated version of the REGDOC.

All feedback received during this preliminary early engagement phase will be taken into consideration during the formal drafting period.

4.2.4 UNDRIP

Indigenous participants heavily emphasized that the updated REGDOC must reflect the principles of the [United Nations Declaration on the Rights of Indigenous Peoples \(UNDRIP\)](#). Currently, the REGDOC does not reference UNDRIP, the [UN Declaration Act \(UNDA\)](#), or the [UNDA Action Plan](#). Indigenous participants stated:

1. The REGDOC must reference Indigenous Peoples' Free, Prior and Informed Consent (FPIC). They also stated that the REGDOC could provide instruction or guidance on how to seek FPIC with Indigenous Nations and communities. Concern was raised that FPIC was not a major focus of the discussion paper, and it was stated that FPIC should be the goal of all CNSC engagement and consultation work.
2. It was recommended that the updated REGDOC include sections of UNDRIP written in full, such as sections 29 and 32.
3. There was support for a requirement that licensees prove their alignment with UNDRIP, relevant case law, and treaties covering the territory in which they propose to work.
4. It was emphasized that the updated REGDOC should have clear guidance and terminology that ensures the protection and promotion of Indigenous rights, including Section 35 and the Principles under UNDRIP, especially FPIC, self-determination, cultural protections, and Indigenous health.

Industry participants were interested in how the principles of UNDRIP may appear in the updated version of the REGDOC.

5. It was suggested that CNSC monitor the progress of the UNDA Action Plan to see how it may affect the REGDOC, as the Action Plan is still under development. Further, CNSC should ensure

that any statements on FPIC are aligned with the whole-of-government approach to implementing the UNDA Action Plan.

Moving Forward on UNDRIP

CNSC is supporting the implementation of UNDRIP, including the principle of Free Prior and Informed Consent through the UNDA Action Plan, released in June 2023. The goal of CNSC's consultation and engagement work is seeking consensus, where applicable and feasible, among all parties and achieving FPIC where appropriate, which requires collaborative discussions between Indigenous Nations and communities, licensees, and the CNSC.

The CNSC is committed to ensuring that the updated REGDOC will provide relevant guidance regarding UNDRIP and the UNDA Action Plan where appropriate and feasible, as well as some guidance on how licensees can ensure their engagement programs and practices are in alignment with the principles of UNDRIP and supporting the CNSC and the Government of Canada's implementation of UNDA. CNSC staff will ensure that the next version of the REGDOC reflects the spirit and intent of UNDRIP by working closely with Indigenous Nations and communities on these updates during the formal consultation period.

All feedback received during this preliminary early engagement phase will be taken into consideration during the formal drafting period.

4.2.5 Other Guidance

Indigenous participants suggested the following be included in the updated REGDOC:

1. Language that ensures the CNSC and licensees are incorporating the spirit of reconciliation into all activities and initiatives that impact Indigenous Peoples.
2. Guidance for licensees on treaty and Indigenous awareness training.
3. Include the UN Declaration and various treaties in the list of relevant legislation for the REGDOC.
4. Consideration of cumulative effects in the consultation process.
5. Guidance on risk communication and community engagement, for example at community site visits, ceremony at sites, community meetings, school programs, and more.
6. Commitments that are voluntary should move towards being mandatory.
7. Information on access issues to Treaty/Traditional Territories.
8. More detailed timelines for the licensing process and communication of those timelines.
9. Consideration of the social/cultural impacts from certain projects that are not tied to Aboriginal and/or Treaty rights.
10. Consideration of Indigenous holistic worldviews and how this may perceive wider areas of impact than conventional scientific approaches.
11. Consideration of the [Truth and Reconciliation Commission's Calls to Action](#).
12. Consideration of the [National Inquiry into Missing and Murdered Aboriginal Woman and Girls Calls for Justice](#).
13. Consideration of Indigenous community members living on and off reserve.
14. And other feedback about specific sections in the current version of the REGDOC.

Industry participants added that the REGDOC could include:

15. Clarity regarding expectations around capacity support.
16. Guiding principles such as integrity and good faith, respect and open mindedness, the consideration of Aboriginal/Treaty rights holders as more than stakeholders, reciprocal responsibility for engagement, transparency and accountability in the engagement process.
17. Guidance on Indigenous engagement in emergency situations.

Moving Forward on Other Guidance

These suggestions will be taken under advisement and consideration when CNSC staff draft the updated version of the REGDOC. CNSC staff are available for discussion on any additional topics that should be considered in this REGDOC update.

Inquiries can be sent to the CNSC's Indigenous and Stakeholder Relations Division at consultation@cnsccsn.gc.ca.

All feedback received during this preliminary engagement phase will be taken into consideration during the formal drafting period.

5.0 Conclusion

The responses CNSC staff received during the early engagement phase are detailed and valuable to drafting the next version of REGDOC 3.2.2, *Indigenous Engagement*. CNSC staff are now in the process of taking the feedback and comments into consideration as part of updating and revising the REGDOC. Again, CNSC staff will seek additional input from Indigenous Nations and communities and the nuclear industry during the 2024 formal consultation period which will be announced along with a funding opportunity through the CNSC's Indigenous and Stakeholder Capacity Fund. All Indigenous Nations and communities that work with the CNSC will be contacted for comment during the formal consultation period. Similarly, the formal consultation period will involve dialogue with the entire nuclear industry and not be completed solely through engaging with COG. The CNSC recognizes that to modernize this regulatory document, continued consultation and engagement with Indigenous Nations and communities is required. CNSC staff look forward to working with First Nations, Métis, Inuit, and licensees on collaborating and improving REGDOC 3.2.2 together in the future.

6.0 References

[Constitution Act, 1982](#)
[Indigenous and Stakeholder Capacity Fund](#)
[Memorandum of Understanding between CNSC and Fisheries and Oceans Canada](#)
[Memorandum of Understanding between Environment Canada and the CNSC](#)
[National Inquiry into Missing and Murdered Aboriginal Woman and Girls Calls for Justice](#)
[Nuclear Safety and Control Act](#)
[REGDOC 3.2.1, *Public Information and Disclosure*](#)
[REGDOC 3.2.2 *Indigenous Engagement*](#)
[Truth and Reconciliation Commission's Calls to Action](#)
[United Nation Declaration on the Rights of Indigenous Peoples \(UNDRIP\)](#)
[UN Declaration Act \(UNDA\)](#)
[UNDA Action Plan](#)

7.0 List of Acronyms

Acronym	Description
CANDU	Canada Deuterium Uranium (a heavy-water reactor, used to generate electricity)
CNSC	Canadian Nuclear Safety Commission
COG	CANDU Owners Group
FPIC	Free Prior and Informed Consent
NSCA	Nuclear Safety and Control Act
REGDOC	Regulatory Document (REGDOC) 3.2.2, <i>Indigenous Engagement</i>
UMM	Uranium Mines and Mills
UNDA	United Nations Declaration Act
UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples

8.0 List of Participants

8.1 Indigenous Nations and communities

The following list shows all 30 Indigenous Nations, communities and organizations contacted by the CNSC for this early engagement work. Asterisks are used to indicate which Indigenous Nations, communities or organizations participated in the early engagement process and had their feedback incorporated into this report.

Indigenous Nations, communities and organizations
Anishnabek Nation
Athabasca Chipewyan First Nation*
Algonquins of Ontario*
Algonquins of Pikwàkanagàn First Nation*
Black River First Nation*
Chippewas of Kettle and Stony Point First Nation
Curve Lake First Nation*
English River First Nation
Grand Council Treaty 3
Hiawatha First Nation*
Historic Saugeen Métis*
Hollow Water First Nation*
Kebaowek First Nation*
Kitigan Zibi Anishinabeg
Kineepik Métis Local
Kopit Lodge
Mississauga First Nation
Manitoba Métis Federation*
Métis Nation of Ontario*
Métis Nation – Saskatchewan*
Mississaugas of Scugog Island First Nation*

Mi'gmawe'l Tplu'taqnn Inc
Peskotomuhkati Nation*
Sagkeeng Anicinabe First Nation*
Saugeen Ojibway Nation
Six Nations of the Grand River*
Wabigoon Lake Ojibway Nation
Wolastoqey Nation in New Brunswick
W8banaki
Ya' Thi Néné Lands and Resources*

8.2 CANDU Owners Group Members

CANDU Owners Group Members
AECL / CNL
Bruce Power
Cameco
Hydro Québec
Ontario Power Generation
New Brunswick Power
Nuclear Waste Management Organization
Orano