



**Supplementary Information
Oral Presentation**

**Presentation from
Catherine Prinsen**

In the Matter of the

**BWXT Nuclear Energy Canada Inc.,
Toronto and Peterborough Facilities**

Application for the renewal of the licence for
Toronto and Peterborough facilities

Commission Public Hearing

March 2 to 6, 2020

**Renseignements supplémentaires
Exposé oral**

**Présentation de
Catherine Prinsen**

À l'égard de

**BWXT Nuclear Energy Canada Inc.,
installations de Toronto et Peterborough**

Demande de renouvellement du permis pour les
installations de Toronto et Peterborough

Audience publique de la Commission

Du 2 au 6 mars 2020

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Catherine Prinsen - intervention

PART 1:

Indigenous consultation, engagement and consent

PART 2:

License transfer of 2016

Part 1: Consultation, Engagement, Consent, Transparency, Nation to Nation, etc.....

Who?

When?

Where?

What?

How ?

WHO?

- Who decides who gets consulted?
- Who is considered an “Indigenous group”?
- Are all seven of the Williams Treaty First Nation communities being consulted?
- Who has been consulted about CNSC's discharge limits within Michi Saagiig traditional territory?
- BWXT NEC forgot to include Alderville First Nation when listing the WTFN “communities of interest”.....oops!

WHEN?

- Who decides when duty to consult is triggered?
- Was there consultation (and consent) in.....
 - 1950/60's - Nogojiwanong (Ptbo) and Toronto?
 - 1970's - Pickering
 - 1980's - Darlington
 - 2010 - low enriched uranium request
 - 2016 - license transfer

WHERE?

- Nation to Nation
- Indigenous spaces
- Public hearing
- In person

WHAT?

- **What is CNSC “consulting” about?**
 - pathways forward or BWXT NEC’s license?
 - current discharges of uranium and beryllium?
 - increased discharges of uranium with proposed pelleting?
 - receiving of contaminated equipment into facility?
 - presence of large amounts of liquid hydrogen on site?
 - CNSC's regulatory limits?
- **BWXT NEC – engagement**
 - not following CNSC's recommendation to use REGDOC-3.2.2
 - has anyone from BWXT NEC actually been to a WTFN community?
 - is there any indigenous representations in PAR or CLC?
 - no land acknowledgement protocol

HOW?

- Consultation and Accommodation protocols
 - Alderville First Nation
 - Hiawatha First Nation
 - Curve Lake First Nation
- Free Prior and Informed Consent (UNDRIP)
- What are the responsibilities for engagement?
- offering of Sema/tobacco (protocol)
- transparency and Crown accountability

CONSENT

- How are Indigenous concerns addressed?
- Has CNSC adopted United Nations Declaration of the Rights of Indigenous Peoples (UNDRIP)?
- Does CNSC and BWXT NEC understand what it means to be a treaty partner to sovereign nations?
- Has consent been given for BWXT NEC's license renewal?
- Was consent given for the 2016 license transfer?
- Was consent given in 2010 for the license renewal?

BWXT NEC - ENGAGEMENT

- engagement responsibilities?
- brand new company
- Indigenous relations policy
- not a member of Canadian Council for Aboriginal Business (CCAB), as they claim to be.
- not a participant in the Progressive Aboriginal Relations (PAR) program, as they claim to be.
- Indigenous Relations Suppliers Network (IRSN) is affiliated with Bruce Power and Saugeen Ojibway Nation Territory. It is not engagement related to this license renewal hearing.

BWXT's Indigenous Relations Policy and commitment Statement

- **Indigenous relations policy**

- refers to relationships with Indigenous “groups” or communities

- **Commitment Statement**

- refers to relationships with only First Nations and Metis Peoples

Which one is it? (big difference)

Nation to Nation

- Not “the public”
- Not “interveners”
- Not “hearing participants”
- Treaty partners to the Crown
- Sovereign Nations
- “other matters of regulatory interest”
- “COI's” = Communities of Interest

CNSC staff conclusion

“CNSC staff conclude that BWXT’s licence renewal will not cause any adverse impacts to any potential or established Indigenous and/or treaty rights.”

- Is it only CNSC who gets to “conclude”? This does not sound like consent
- What did the Indigenous groups and/or communities and/or peoples that were contacted, conclude?
- I wonder what the Indigenous groups and/or communities and/or peoples that were NOT contacted would conclude?

Transparency and Accountability

- the Crown acts on behalf of all Canadian citizens
- the Crown must uphold its honour
- citizens must be able to hold the Crown accountable
- Indigenous consultation and/or engagement communications done by CNSC or its proponents should be made publicly available.
- Terms of References should be made public
- BWXT Canada's PAR committee notes should be made publicly available

PART 2:

License transfer of 2016

Application Letter to CNSC, Aug.24, 2016

- *“BWXT NEC Inc., an affiliate of BWXT, is purchasing all of the shares of GE Hitachi from GE-Canada and Hitachi America Ltd. Shortly after completion of the transaction, GE Hitachi and BWXT NEC Inc. will amalgamate to form a new company, also called BWXT NEC Inc.”*
 - **Why an amalgamate?**
 - **Who are the parent companies of BWXT NEC?**
 - **BWXT NEC is not listed in Canada's Business Registry**
- *“The proof of the legal status of BWXT NEC Inc. will be provided to the CNSC shortly after the amalgamation is completed.*
 - **proof of the amalgamation (decision requirement)**
 - **proof of the legal entity (NSCA requirement)**
- *The transaction will not result in any change to GE Hitachi's operational organization or to the personnel responsible for licensed activities”*
 - **Mark Ward was president for only 6 months after the transfer. He had been president of GEH-C for almost 10yrs prior to.**

CNSC staff submission, Dec, 8, 2016

- *GEH-C's licence transfer application requested the transfer of its current licence to a new amalgamated corporate entity named BWXT due to the acquisition of GEH-C by BWXT. BWXT will be incorporated once the amalgamation is complete.*
- *In August 2016, GEH-C submitted an application requesting the transfer of its current licence to a new company, BWXT Nuclear Energy Canada Inc. (BWXT). BWXT is a wholly owned subsidiary of an American corporation, BWX Technologies Inc.*
 - **BWXT NEC is not synonymous with BWXT.**
 - **BWXT NEC is not wholly owned by BWX Technologies.**
 - **BWXT NEC is a subsidiary of BWXT Canada**
- *GEH-C's licence transfer application requested the transfer of its current licence to a new amalgamated corporate entity named BWXT due to the acquisition of GEH-C by BWXT. BWXT will be incorporated once the amalgamation is complete.*
 - **The new corporate entity is not named BWXT**

Hearing Decision – Dec.9, 2016

- *the Commission, pursuant to section 24 of the Nuclear Safety and Control Act, transfers the Fuel Facility Operating Licence FFOL-3620.00 /2020 previously issued to GE-Hitachi Nuclear Energy Canada Inc. for its Toronto Facility, located in Toronto, Ontario, and its Peterborough Facility, located in Peterborough, Ontario, to the entity that, when created, will be known as **BWXT Nuclear Energy Canada Inc.** The transfer of this licence will take effect upon incorporation resulting from the **issuance of a certificate of amalgamation.** The amended licence, FFOL3620.01 /2020, is valid from the BWXT amalgamation date until December 31,2020.*
 - **Was a certificate of amalgamation presented?**
 - **Was proof of legal entity presented?**

My conclusion

I do not support this license being renewed

- No duty to consult
- Poor (if any) Indigenous engagement
- Misleading information
- Lack of transparency
- No mention of UNDRIP
- No mention of reconciliation
- License transfer that took place in 2016

Subsidiaries

A subsidiary is a company where at least 50% of its shares are owned by another company.

Subsidiaries can be wholly-owned or partly-owned.

Wholly-owned: 100% of the subsidiary's shares are owned by the parent company. The parent company has complete control over the subsidiary.