



**Written submission from
Catherine Prinsen and 36 other
interested persons**

**Mémoire de
Catherine Prinsen et 36 autres
personnes intéressées**

In the Matter of the

À l'égard de

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

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

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

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

Commission Public Hearing

Audience publique de la Commission

March 2 to 6, 2020

Du 2 au 6 mars 2020

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laissée en blanc*

Date of hearing: March 5th and 6th, 2020

Subject of hearing: renewal of BWXT NEC's license (hearing reference: 2020-H-01)

Intervention submitted by: Catherine Prinsen et al.

Address: [REDACTED], Peterborough/Nogojiwanong, Ontario, [REDACTED]

Sent via email: cns.interventions.ccsn@canada.ca

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To whom it may concern,

February 3rd., 2020

We request to submit a written submission for the above-referenced matter in Peterborough (Nogojiwanong), Ontario

Please find attached a written submission (pdf) to the Canadian Nuclear Safety Commission regarding the licence renewal of the BWXT NEC.

Sincerely, The following (37) Treaty people:

Catherine Prinsen, Beatrice Chan, James Wilkes, George Campana, Paula Anderson, Sue Chan, Graham Petty, Rachel Petty, Greg Roy, Philip Keinholtz, Sarah Vanderberg, Marlis Lindsay, Adam Prinsen, Johanna Hart, Sheamus, Donnery, Corry Prinsen, Ian Attridge, Cailean Thornton-Wilson, Olivia Mater, Peter Prinsen, Ravon Laine Yates, Anterra Vsetula-Sheffield, Carol Andrews, Aleyah Erin Lennon, Juanita Spears, Leah Andrews, Sarah Quirino, Jasmine Harrison, Sabrina Hale, Sammy Tangir, Corinne MintzJudith Hyland, Chantale Killey, Craig Brant, Janice Wing, Kelly King, Dr. Jessica Barr,

Note - Some of the above named individuals have also submitted their own individual intervention. We request that this written submission not preclude these individuals from making oral interventions to the Commission. Louise Levert has confirmed that it is ok for an individual to have their name on a group intervention as well as their own.

LAND ACKNOWLEDGEMENT

To begin, we would like to acknowledge that the land where we live and work, on which these proceedings will be taking place, and which will be affected by the actions of the CNSC and BWXT, is the traditional and current territory of the Michi Saagiig Anishinaabeg, who are its original caretakers and knowledge holders. We offer our gratitude to these First Peoples for their care for and teachings about the Earth and our Relations. As guests in the Territory, we have a responsibility: to listen to the people and protocols of this place; to support the care and perpetuation of the life that is this land; and to recognize the culture and language of this land as guides for our work in the region. May we honour those teachings, relations, and responsibilities.

We also acknowledge and honour the Nation-to-Nation treaties which cover these territories. Nogojiwanong/Peterborough area is under the Williams Treaty (1923) and Treaty 20 (1818) and Minissing/Toronto is under Treaty 13 (1805). We recognize that these treaties are agreements between settler peoples, represented by the Crown, and the First Nations whose land this is. We must uphold our responsibilities as Treaty people and honour the rights of the First Nations laid out by these treaties and relationships.

As Treaty people, with the Crown as our representative, we ask that you apply the meanings of these land and treaty acknowledgments throughout this process, your lives, and work. We must all put our words into actions.

WHO WE ARE AS INTERVENERS

We, the individuals who are involved in putting together and/or supporting this intervention, fully acknowledge our presence in Michi Saagiig territory, as guests. Accordingly, we feel it is our duty to uphold in true honour, the responsibilities bestowed upon us, as Treaty people.

We support:

- True and honourable acts of reconciliation
- Respecting Nation-to-Nation relationships
- Aboriginal and treaty rights under Section 35 of the Constitution Act, 1982
- Decolonization
- Canada's implementation of all 94 "Calls to Action" put forth by the Truth and Reconciliation Commission of Canada
- Canada's implementation of the United Nations Declaration on the Rights of Indigenous Peoples

As Treaty people, we feel that it is our responsibility to support the Crown and their representatives, in their commitment to act with honour in their relations with all Indigenous peoples. As such, we will call upon the Crown's accountability, if and when, we witness this honour not being upheld.

Please find below a list of our concerns, questions and conclusion in relation to BWXT NEC's request for a license renewal.

TERMINOLOGY

Indigenous peoples: includes all Indigenous groups, communities and individuals.

CNSC: Canadian Nuclear Safety Commission

BWXT NEC: BWXT Nuclear Energy Canada Inc.

BWXT Canada: BWXT Canada Ltd.

PAR: Progressive Aboriginal Relations

CONCERNS

We are concerned ...that CNSC, as an agent of the Crown, is not properly fulfilling its duty to consult with its treaty partners within the Michi Saagiig territory.

We are concerned ... that CNSC appears to have the sole authority to decide if the duty to consult applies or not, for all nuclear activities in Canada. In the case of this particular license renewal, it is shocking that the duty to consult was not triggered, despite BWXT NEC's request to bring pellet manufacturing to the Nogojiwanong/Peterborough facility. The pellet manufacturing process will significantly increase the release of uranium into the air and waters of this territory.

We are concerned ...that CNSC is not respecting nor adhering to the Consultation and Accommodation protocols put forth by communities like Alderville, Hiawatha and Curve Lake First Nations.

We are concerned ...that CNSC and BWXT NEC confuse "consultation and/or engagement and/or accommodation" with "consent".

We are concerned ...that CNSC and BWXT NEC interpret the lack of response to communication efforts, about license renewal and changes, as "consent".

We are concerned ...that without the duty to consult, there is very little pressure put on BWXT NEC, by CNSC, for any significant engagement with Indigenous peoples.

We are concerned ...about ALL Indigenous peoples, whose traditional territories are occupied by the various sectors of the nuclear industry. These sectors include mines, refineries, processing facilities, power plants, waste storage sites, etc.....The CNSC regulates all of these activities and we question the CNSC's commitment to meaningful consultation and engagement with ALL Indigenous peoples in these territories.

We are concerned ...that BWXT NEC is a brand new company and has had very little time to develop any meaningful relationships with Indigenous peoples of this territory.

QUESTIONS

1. Have all or any of the Williams Treaty communities received “Notice of Request to Consult”, from BWXT NEC or CNSC, as outlined in some of the community’s consultation protocols, for this current license renewal?
2. Was the duty to consult triggered in 2010, when an amendment was made to this same license, to assemble low-enriched uranium fuel bundles, at the Nogojiwanong/Peterborough facility?
3. When has the “duty to consult” been formerly triggered by the CNSC, anywhere in Canada? Did CNSC and/or its proponents receive “consent” from the Indigenous peoples involved?
4. What exactly are BWXT’s responsibilities for engagement, if the “duty to consult” is not triggered?
5. What kind of consultation took place when the GE facility in Nogojiwanong/Peterborough, first became a class 1B nuclear facility (60+yrs ago)? If there was no consultation, what kind of processes have since been put in place, for Indigenous peoples, to speak to (and possibly oppose) the very presence of nuclear facilities in their territory?
6. Question #5 can be asked again, in relation to the Pickering and Darlington nuclear power plants, which were built in the 1970s and 1980s respectively. These plants are still in operation within the traditional territory of Michi Saagiig peoples.
7. What policies and procedures have changed for CNSC, BWXT Canada, BWXT NEC, since the recent Williams Treaty First Nations settlement agreement? A significant outcome of this settlement was the renewed recognition of treaty rights for this territory. An apology was given by the Crown to the Williams Treaty Indigenous peoples, admitting the Crown’s dishonour.
8. Is BWXT, BWXT Canada and BWXT NEC aware of the Williams Treaty First Nations settlement agreement?
9. What role do Indigenous peoples play in helping CNSC determine regulations for the nuclear industry? Is there a consultation process in place for receiving Indigenous consent for these regulations?
10. Has CNSC and/or BWXT NEC reached out to any First Nation band councils?
11. Has CNSC and/or BWXT NEC consulted or engaged with Indigenous peoples living in Nogojiwanong/Peterborough?
12. Has BWXT NEC created and implemented land acknowledgement protocols for use by all levels of management and/or staff members? Such protocols should be appropriate and

pertinent to all territories where BWXT meetings might be taking place, anywhere on Turtle Island (North America)

13. Do any of the employees that make up CNSC's Indigenous Relations Team, identify as Indigenous?
14. Do any members of BWXT Canada's PAR committee identify as Indigenous?
15. Do any members of BWXT NEC's Community Liaison Committee identify as Indigenous?

CONCLUSION

We ask that the Canadian Nuclear Safety Commission NOT renew BWXT NEC's Class 1B Nuclear Fuel Facility Operating Licence, on the grounds that proper Indigenous consultation and engagement have not taken place.

GRATITUDE

We thank you for the opportunity to intervene and have our voices heard. We want to recognize the privilege that we have, in being able to do so. We would also like to again express our gratitude to the Michi Saagiig peoples for sharing their traditional territory with us, and to these lands and waters which sustain us and which we call home.

Sincerely,

Catherine Prinsen, Beatrice Chan, James Wilkes, George Campana, Paula Anderson, Marlis Lindsay, Johanna Hart, Sheamus Donnery, Graham Petty, Rachel Petty, Adam Prinsen, Philip Kienholz, Sarah Vanderberg, Greg Roy, Sue Chan, Ian Attridge, Peter Prinsen, Olivia Mater Cailean Thornton-Wilson, Corry Prinsen, Ravon Laine Yates, Carol Andrews, Aleyah Erin Lennon, Juanita Spears, Leah Andrews, Sarah Quirino, Jasmine Harrison, Sabrina Hale, Sammy Tagir, Corinne Mintz, Chantalle Killey, Judith Hyland, Craig Brant, Janice Wing,
Dr. Jessica Barr, Kelly King

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