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Supplementary Information

Presentation from the Algonquins of Pikwakanagan First Nation

Renseignements supplémentaires

Présentation des Algonquins of Pikwakanagan First Nation

In the Matter of the

À l'égard de

BWXT Medical Ltd.

BWXT Medical Ltd.

Application for a Class IB nuclear substance
processing facility operating licence

Demande pour un permis d'exploitation d'une
installation de traitement de substances
nucléaires de catégorie IB

Commission Public Hearing

Audience publique de la Commission

June 9, 2021

9 juin 2021

Algonquins of Pikwàkanagàn First Nation

CNSC Public Hearing on the License
Application Review of BWXT ITG's
Class 1B Nuclear Substance
Processing Facility

June 9, 2021



Agenda

About Algonquins of Pikwàkanagàn First Nation (AOPFN)

About the BWXT Facility

Impacts on AOPFN rights and interests

AOPFN Recommendations

Conclusion

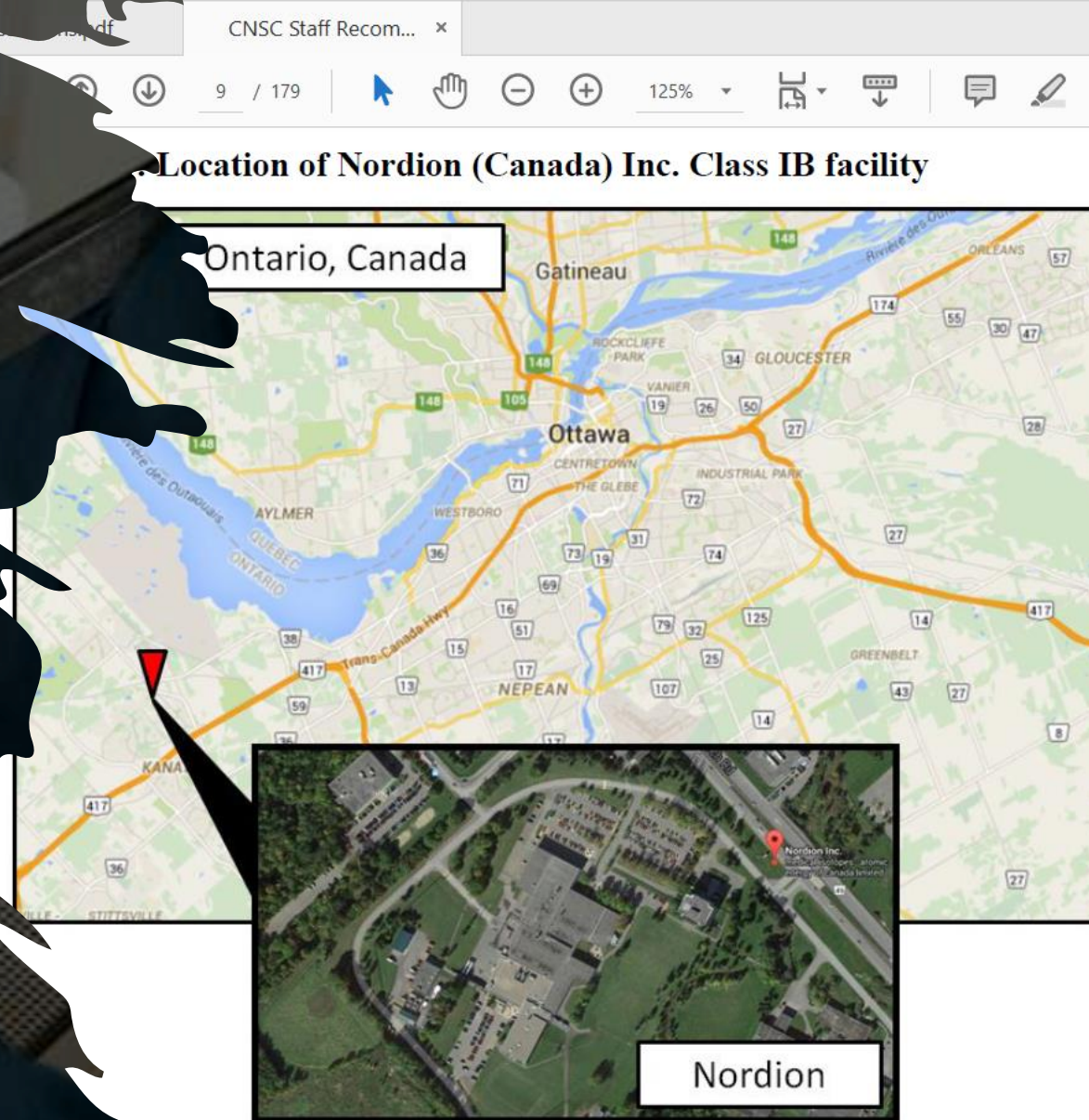
Algonquins of Pikwàkanagàn First Nation



- AOPFN members are active harvesters across our territory
- Projects within AOPFN territory require full direct engagement with our Nation and accommodation of AOPFN rights
- AOPFN territory has seen multiple nuclear sector projects over time
 - The importation, production, use, and disposal of radioactive materials has had adverse impacts on the environment in AOPFN unceded territory and on AOPFN's Aboriginal rights
 - AOPFN members are concerned about Project-specific and cumulative effects from nuclear projects
- The consent to build/operate these facilities within AOPFN territory was never sought
 - AOPFN is seeking greater participation and collaboration on facility physical works and activities, monitoring and oversight, with both the Licensee and CNSC going forward

BWXT Class 1B Medical Isotopes Facility

- All activities currently occur within an existing nuclear substance processing facility (in operation for several decades)
 - Previously operated by Nordion (Canada) Inc.
 - Pre-existing CNSC license held by Nordion
- If issued a license, BWXT will become the licensee responsible for the safe operation of the medical isotope facility
 - License application does not involve significant changes to activities that occur on site
- Facility produces medical isotopes
 - 60% of global supply of medical isotopes used for diagnostic imaging and radiotherapy



(source: Google)

Impacts on AOPFN rights and interests

- Low likelihood of significant adverse impacts on AOPFN rights and interests
- AOPFN screening determined that:
 - The production of medical isotopes will have a significant positive impact on human health;
 - The proposed activities are predicted to have a negligible impact on human health and the environment;
 - The proponent will use a, existing, proven, robust and effective Management System for Safety;
 - The CNSC has established an adequate oversight program from a technical perspective.

AOPFN remains concerned that the Application and regulatory oversight process did not make adequate steps to gather, include, or consider Indigenous Knowledge and AOPFN's expectations regarding Indigenous consultation, engagement, and monitoring programs.



AOPFN Recommendations: Role of Indigenous Knowledge

- No meaningful reference to IK integration is provided in any of the documents for the BWXT Application
- IK not sought or integrated into the considerations
- No license conditions proposed by CNSC staff related to IK
- IK must be included in all stages of Project lifecycle
- CNSC Indigenous Knowledge Policy Framework needs improvement

Recommendations 1 and 2

Recommendation #1

- **Indigenous knowledge should be of equal importance to western science in CSNC processes and decision-making; currently in our experience that is not the case.**
- **AOPFN recommends that a series of additional updates be made to the CNSC's Indigenous Knowledge and Policy Framework, as laid out in detail in our written submission.**
- **We are happy to answer questions by the Commission on any of those specific recommendations. In fact, one of the reasons we can't go into further detail in our presentation is related to our recommendation that additional time be given for Indigenous groups to present at Commission hearings.**

Recommendation #2

AOPFN recommends that CNSC staff, BWXT and the Commission itself consider and further engage with AOPFN and other impacted Indigenous Nations on what license conditions could entrench the need to consider Indigenous knowledge alongside western scientific knowledge, in the data collection, analysis and decision-making related to Project monitoring and management moving forward.



AOPFN Recommendations: Indigenous Consultation & Engagement

- AOPFN appreciates provision of participant funding by CNSC
- CNSC staff's submission to the Commission does not recommend any license conditions related to Indigenous Knowledge, Indigenous consultation and engagement, or Indigenous role in monitoring
- AOPFN hopes to be involved in the Project beyond document review and email correspondence, with both BWXT and CNSC
 - The best way to ensure this is through license conditions

Recommendations 3, 4, 5, 6, 7, and 8

Recommendation #3

AOPFN seeks a license condition identifying the need for the Proponent to engage affected Indigenous groups in defining end land use goals and criteria for the facility, and in Project closure planning.

Recommendation #4

AOPFN seeks greater understanding of and involvement in decisions related to how waste from the facility should be handled, if it is going to be stored on AOPFN's traditional territory. This requires a license condition or other venue for this critical issue to be subject to compliance and enforcement.

Recommendation #5

AOPFN recommends adherence by both CNSC and BWXT to the requirements of the United Nations *Declaration on the Rights of Indigenous Peoples*, including Free, Prior and Informed Consent by Indigenous peoples for regarding projects that involve the management, storage and disposal of radioactive and other hazardous wastes.

Recommendation #6

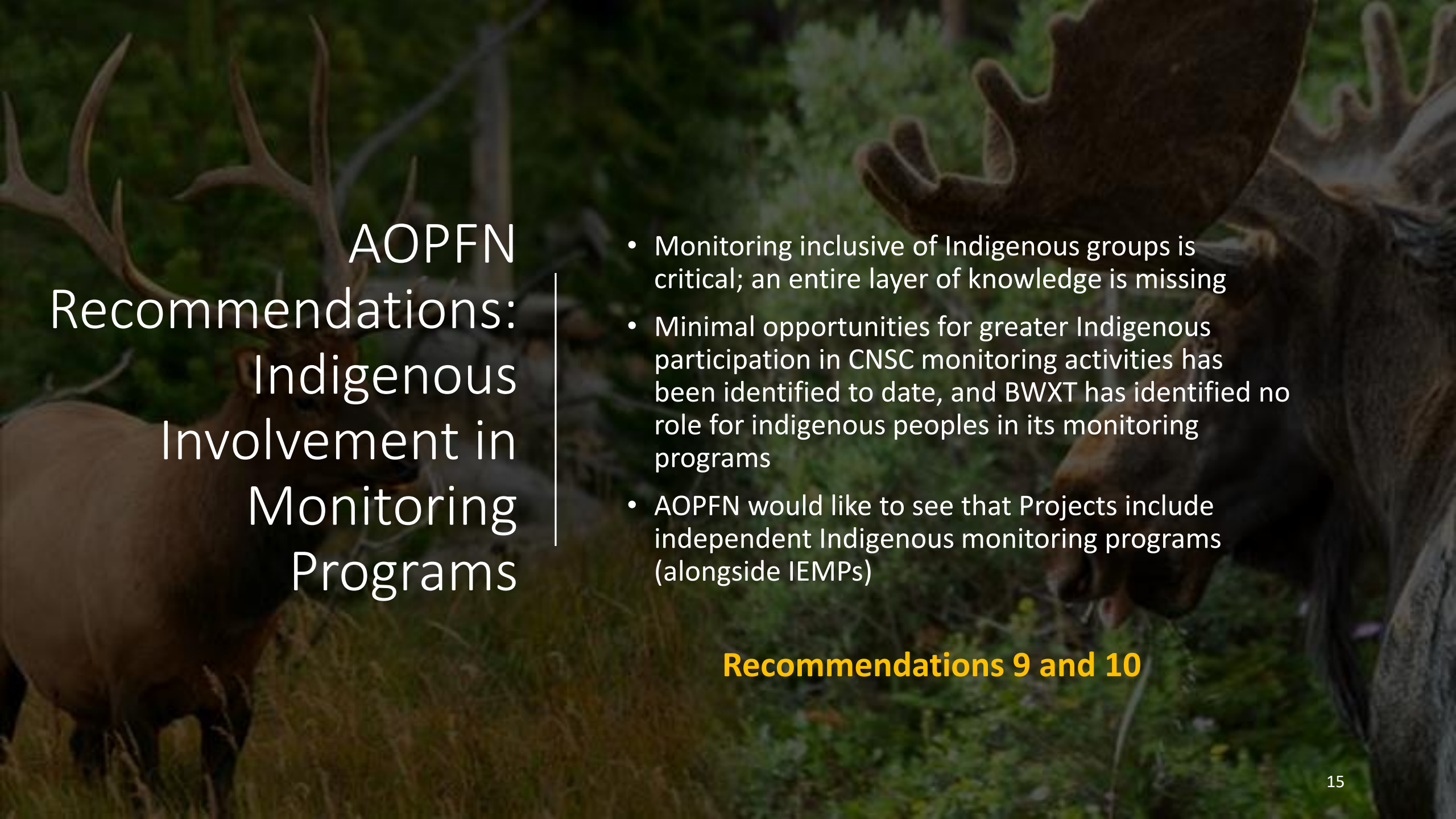
AOPFN recommends a condition to the license requiring BWXT to report on an annual basis to the CNSC on how it has engaged and supported area Indigenous groups in Project planning, monitoring and management, with that annual report subject to Indigenous groups' verification prior to it being filed with the CNSC.

Recommendation #7

CNSC to develop deeper engagement requirements for Proponents with Indigenous groups in its forthcoming review of REGDOC-3.2.2 Indigenous Engagement, including through a meaningful, extensive and funded consultation process with Indigenous peoples impacted by the nuclear sector.

Recommendation #8

AOPFN recommends that CNSC work with Indigenous groups to develop indicators and metrics for reviewing effective Indigenous engagement.



AOPFN Recommendations: Indigenous Involvement in Monitoring Programs

- Monitoring inclusive of Indigenous groups is critical; an entire layer of knowledge is missing
- Minimal opportunities for greater Indigenous participation in CNSC monitoring activities has been identified to date, and BWXT has identified no role for indigenous peoples in its monitoring programs
- AOPFN would like to see that Projects include independent Indigenous monitoring programs (alongside IEMPs)

Recommendations 9 and 10

Recommendation #9

AOPFN requests that the Commission direct CNSC staff to engage impacted Indigenous groups in a meaningful way in monitoring and management of the project, and report on the results to the Commission, with reports verified by the Indigenous groups involved.

Recommendation #10

AOPFN recommends that CNSC work with AOPFN and other Indigenous Groups to develop funded meaningful roles for Indigenous monitors in CNSC compliance and verification monitoring, including for but not limited to the BWXT facility.

Conclusion

- AOPFN appreciates the opportunity to provide comments and recommendations in the interest of building a regulatory process for nuclear projects in our traditional territory that embraces Canada's commitment to reconciliation and commitments to implement UNDRIP.
- AOPFN hopes our 10 Recommendations will be implemented in order to address shortcomings in current consideration of IK, Indigenous Consultation and Engagement, and Indigenous involvement in Monitoring.