



CMD 26-H7.41

Date: 2026-08-12

**Written Submission from the
Saugeen Ojibway Nation**

**Mémoire de la
Nation Saugeen Ojibway**

In the matter of

À l'égard de

Ontario Power Generation

Application to refurbish Pickering Nuclear
Generating Station and to renew licences
for the Pickering Nuclear Generating
Station and Waste Management Facility

Ontario Power Generation

Demande concernant la réfection de la
centrale nucléaire de Pickering et le
renouvellement de ses permis pour la
centrale et l'installation de gestion des
déchets

**Commission Public Hearing
Part 2**

**Audience publique de la Commission
Partie 2**

October 2026

Octobre 2026



**Written Submissions of the Saugeen Ojibway Nation –
Ontario Power Generation’s Renewal Application for Pickering Nuclear Generating Station
Power Reactor Operating Licence and Pickering Waste Facility Operating Licence**

August 12, 2026

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I. Request to Intervene

Pursuant to rule 19 of the *Canadian Nuclear Safety Commission Rules of Procedure*,¹ the Saugeen Ojibway Nation (“**SON**”) requests the opportunity to intervene in the public hearing on Ontario Power Generation’s (“**OPG**”) application for renewal and consolidation of the Pickering Nuclear Generating Station (“**NGS**”) Power Reactor Operating Licence (“**PROL**”), PROL 48.03/2028, and the Pickering Waste Management Facility (“**PWMF**”) Waste Facility Operating Licence (“**WFOL**”), WFOL-W4-350.00/2028, which expire on August 31, 2028 (the “**Renewal Application**”), through written and oral submissions.

II. Contact Information

The SON can be contacted through its Environment Office as well as its legal counsel at:

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III. Overview

The purpose of this document is to provide the written submissions of SON to the Canadian Nuclear Safety Commission (the “**Commission**” when referring to the tribunal; “**CNSC**” when referring to the organization) as a component of its application to intervene.

1. Saugeen Ojibway Nation

SON is comprised of the Anishinaabe People of the Chippewas of Nawash Unceded First Nation and Chippewas of Saugeen First Nation. Anishinaabekiiing, SON’s Territory, encompasses much of the Saugeen (Bruce) Peninsula, extending down south of Goderich and east of Collingwood. The waters surrounding these lands and the lakebed of Lake Huron from the shore to the international boundary with the United States and to halfway across Georgian Bay are also part of SON’s Territory.

SON’s ancestors have used and occupied Anishinaabekiiing since time immemorial and its People continue to do so today. SON’s Territory consists of everything integral to life—the

¹ SOR/2000-211.

lands, rivers, lakes, winds, plants, animals, and fish. Anishinaabekiiing has sustained SON People physically and spiritually for countless generations and must continue to do so far into the future.

2. *Nuclearization of Anishinaabekiiing*

The development of the nuclear industry in SON Territory has played a major role in shaping the land and SON People's place within it.² Without consultation or free, prior and informed consent ("FPIC"), SON became host to:

- Canada's first commercial-scale Canada Deuterium Uranium ("CANDU") reactor at Douglas Point;
- the world's largest operating nuclear facility at the Bruce site;
- the vast majority of Ontario's low and intermediate level waste ("LLW" and "ILW") at the Western Waste Management Facility ("WWMF");
- the Western Clean-Energy Sorting and Recycling Facility; and
- nearly 45 percent of Canada's used fuel.³

OPG has been transporting nuclear waste to SON Territory without SON's consent for approximately 45 years. This infringement of SON's rights is compounded daily as OPG continues to make approximately 700 shipments of nuclear waste annually to SON Territory.⁴

The nuclear industry has consistently minimized SON's rights and excluded SON's perspectives, requests, and desires throughout its history, all while heavily utilizing SON Territory to support its development. SON's FPIC has never been obtained.

IV. SON Concerns

SON's concerns are focused on the continued importation, management, and storage of radioactive waste in SON Territory, including:

1. SON's FPIC for the management and storage of waste generated at the Pickering NGS in SON Territory, as required by the United Nations Declaration on the Rights of Indigenous Peoples ("UNDRIP") and the *United Nations Declaration on the Rights of Indigenous Peoples Act*, has not been obtained; and

² The history and current reality of the nuclear industry in SON Territory has been described in previous SON submissions relating to the licensing of the Western Waste Management Facility and the Joint Review Panel for Ontario Power Generation's deep geological repository for low and intermediate level wastes proposal.

³ Nuclear Waste Management Organization, [Nuclear Fuel Waste Projections in Canada – 2023 Update](#) (December 2023) at 4.

⁴ Letter from Laurie Swami to Marc Leblanc, "[Application for Renewal of Western Waste Management Facility Operating Licence](#)" (16 May 2016) at PDF 20, s. 1.3.2.

2. The CNSC's approach to the regulation and licensing of nuclear facilities risks leaving SON without recourse to address its concerns regarding the open-ended accumulation of nuclear waste in SON Territory.

1. FPIC Standard Not Met for Waste Management and Storage in SON Territory

Through its Renewal Application, OPG seeks the Commission's authorization to continue to operate the Pickering NGS and to refurbish the facility's reactors, thereby extending the life of its operations for decades. While the Pickering NGS is not located in SON Territory, the Renewal Application stands to have significant impacts on SON. Absent appropriate licence conditions, the Renewal Application could result in the transportation, management, and storage of new waste streams in SON Territory for decades to come. The Renewal Application directly engages Article 29(2) of UNDRIP, which provides:

States shall take effective measures to ensure that no storage or disposal of hazardous materials shall take place in the lands or territories of indigenous peoples without their free, prior and informed consent.⁵

Canada has recognized that the rights set out in UNDRIP, including Article 29(2), represent the minimum standards for the survival, dignity, and well-being of Indigenous peoples. This overarching purpose was reaffirmed by the Federal Court in *Kebaowek First Nation v Canadian Nuclear Laboratories*.⁶ The storage of nuclear waste in SON Territory without SON's FPIC is an affront to the dignity of SON People, and a direct threat to the well-being and survival of SON.

The impacts of the importation, management, and storage of waste in SON Territory are far-reaching. In 1998, the *Report of the Nuclear Fuel Waste Management and Disposal Concept Environmental Assessment Panel* ("**Report**") recognized the existence of a real and palpable "dread factor" associated with nuclear technology, stemming from the imperceptibility, mobility, and longevity of the radiation hazard and its disturbing potential health effects, association with nuclear weapons, and past disasters involving human error or engineering failures.⁷ The Report highlighted Indigenous participants' concerns that a project capable of disrupting a community's social and cultural fabric would have a devastating impact on their way of life. The Report also acknowledged specific health implications for vulnerable groups, including Health Canada's submissions that the health of Indigenous communities near a facility would warrant special consideration. While the Report was focused on disposal, it acknowledged these implications may extend to the management and storage of nuclear waste. For SON, the impacts described by the Report are not merely theoretical. SON feels these impacts acutely.

⁵ United Nations Declaration on the Rights of Indigenous Peoples, GA Res. 61/295, UNGAOR, 61st Sess., Supp. No. 49, UN Doc. A/RES/61/295 (2007), art. 29(2).

⁶ 2025 FC 319.

⁷ Nuclear Fuel Waste Disposal Concept Environmental Assessment Panel, *Report of the Nuclear Fuel Waste Management and Disposal Concept Environmental Assessment Panel* (February 1998).

Crucially, the impact caused by the indefinite storage of nuclear waste in SON Territory must be viewed through the Anishinaabe lens. The dread and stigma of SON's perpetual status as a nuclear waste waystation disrupts SON's connection to place, resulting in withdrawal from traditional practices and the loss of knowledge transfer across generations. The impacts of allowing continued high-volume importation of nuclear waste into SON Territory are not limited to the physical and environmental—they are cultural, spiritual, and identity-based.

SON members continue to experience the traumatizing effects of nuclear waste storage in SON Territory, and SON governments are regularly called upon to address those harms. The burden of engaging with the nuclear industry to protect SON's rights and People diverts significant time and resources away from community priorities. These impacts are felt with every shipment of waste.

As more waste is brought into and accumulates in SON Territory, the risk that the waste will remain in SON Territory permanently also increases. Each additional shipment deepens SON's concern that what is described as temporary or interim storage will, in practical effect, eventually become permanent storage in SON Territory.

These impacts contribute to the erosion of SON's inherent right to self-determination—the right Article 29(2) is meant to protect—including the loss of any meaningful influence over what is stored in SON Territory, where, for how long, and on what terms. SON has never consented to the storage or importation of nuclear waste in SON Territory, and continues to oppose, in the strongest terms, its continued and open-ended accumulation in SON Territory without SON's FPIC.

2. SON Has No Recourse to Address Its Concerns

As part of the PWMF, OPG plans to construct the Pickering Component Storage Structure ("PCSS") to store low- and intermediate-level waste from the refurbishment of Pickering NGS Units 5 and 8 and Units 1 to 4 decommissioning activities.⁸

SON supports the development of on-site waste facilities and structures that would decrease the transportation and storage of nuclear waste in SON Territory. The PCSS is a positive step in that direction. It is a clear example of OPG's ability to create on-site storage for nuclear waste generated by its nuclear facilities, including Pickering NGS.

OPG's plans to construct the PCSS do not, however, fully address SON's concerns regarding the importation, management, and storage of radioactive waste in SON Territory. While construction of the PCSS would allow a significant portion of refurbishment and decommissioning waste to be stored on-site, SON understands that OPG does not intend to manage all such waste through the PCSS. SON further understands that OPG intends to continue using SON Territory for the storage and management of waste generated by ongoing

⁸ OPG Renewal Application at 114, 219.

operations after the units are refurbished.⁹ These are new waste streams beyond the scope of what was originally anticipated for the WWMF.

SON has previously raised its concerns before the Commission regarding nuclear waste that is, or will be, transported, managed, and stored in SON Territory at the WWMF without SON's FPIC.¹⁰ On each occasion, the Commission has declined to consider or address SON's concerns on the basis that they fell outside the scope of the proceeding before it. CNSC staff, too, have deferred responding to SON's concerns. Rather than engaging with the substance of SON's concerns, CNSC staff assured SON that the next WWMF licence renewal process, which would "trigger engagement and consultation," was the proper forum to address SON's concerns.¹¹

With the WWMF licence renewal process now underway, however, CNSC staff have advised SON that, in their view, the process does not give rise to a duty to consult, on the basis that "these types of Commission decisions do not lead to any new or novel potential impacts on the ability to exercise Indigenous or treaty rights."¹² CNSC staff have also indicated that the CNSC does not direct or interfere with OPG's business decisions regarding how it manages waste. Taken together, despite CNSC staff's stated willingness to hear SON's concerns, these positions leave SON deeply concerned that there may be no meaningful forum within the existing regulatory framework to address the open-ended accumulation of nuclear waste in SON Territory. The issue has been treated as outside the scope of proceedings for the facilities that generate the waste, and now risks being excluded from the renewal process for the facility where that waste is received, managed, and stored.

This is fundamentally inconsistent with the honour of the Crown. SON is being left without any meaningful avenue within the regulatory scheme to compel consideration of its concerns or protect its rights. The continued exploitation of SON Territory—through the open-ended importation, management, and storage of radioactive waste—risks going unchecked indefinitely.

As an agent of the Crown and a court of record with the power to determine questions of fact and law,¹³ the Commission is obliged to ensure that no hazardous materials are stored in SON Territory without a robust process in place to obtain SON's FPIC. SON has never consented to the importation or storage of nuclear waste from OPG's nuclear facilities in SON Territory, including from the Pickering NGS, nor has SON provided FPIC to import or store waste from the Pickering NGS in SON Territory under the proposed Renewal Application.

⁹ OPG Renewal Application at 245. Section 2.11.6 of the Renewal Application confirms that in addition to the PCSS, OPG intends to use SON Territory and the WWMF to store low-level waste generated from the Pickering NGS refurbishment and decommissioning.

¹⁰ See e.g. CNSC Record of Decision, "Application to Extend the Operation of the Pickering Nuclear Generating Station Units 5 to 8 until December 31, 2026" (17 December 2024); CNSC Record of Decision, "Application to Renew the Power Reactor Operating Licence for the Darlington Nuclear Generating Station" (24 September 2025).

¹¹ See e.g. CNSC, "Response to LC G.7 Comments Received by SON on Oct 14 and 22" (4 November 2025).

¹² Letter from Colin Moses to Councillor Lester Anoquot & Councillor Paul Jones, "Licence Renewal Process for the Western Waste Management Facility" (22 June 2026); Letter from Kevin Ross to Ogimaa Conrad Ritchie & Ogimaa Kwe Veronica Smith, "Canadian Nuclear Safety Commission's Notice of Ontario Power Generation's Application for a licence renewal for the Western Waste Management Facility (WWMF) for a period of 10 years" (6 August 2026).

¹³ *Nuclear Safety and Control Act*, SC 1997, c 9, s 20(1).

SON recognizes that OPG cannot immediately cease transporting all waste generated at the Pickering NGS to SON Territory. However, that practical constraint cannot justify allowing the continued importation of waste to remain open-ended or subject solely to OPG's operational discretion. OPG should be required to proceed with its plans to construct the PCSS and to store at the PCSS the categories of refurbishment and decommissioning waste it has identified for that facility. OPG should not be permitted to preserve operational flexibility to redirect that waste to the WWMF. In addition, unless and until OPG reaches an agreement with SON regarding the continued importation, management, and storage of waste generated at the Pickering NGS in SON Territory, OPG should be required to begin planning for the orderly wind-down of transporting that waste to SON Territory, including by developing on-site facilities and processes to manage and store waste at or near the facility.

V. Accommodations Required

SON respectfully submits that the following accommodations are required:

1. OPG must be required to clearly define the radioactive component waste and material from the refurbishment of Pickering NGS Units 5 to 8 and Units 1 to 4 decommissioning activities that will be stored at the PCSS, and OPG must not have the unilateral option to transport such material to the WWMF.
2. The licence must include a requirement that OPG begin to develop on-site waste management plans for the Pickering NGS that do not involve the management, transportation, or storage of nuclear waste in SON Territory at the WWMF unless SON provides its FPIC.
3. SON must be engaged in the development of waste management plans for the Pickering NGS, and the development of W-STD-WM-0007, *Waste Acceptance Criteria for PCSS*. The waste management plans must make explicit where OPG intends to continue use the WWMF, with SON FPIC, for the storage or processing (including incineration) of waste generated at the Pickering NGS.