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Safety Commission

Commission canadienne
de sûreté nucléaire

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Supplementary Information

**Presentation from the
Algonquins of Pikwakanagan
First Nation**

Renseignements supplémentaires

**Présentation de la
Première Nation des Algonquins
de Pikwakanagan**

**Regulatory Oversight Report for
Canadian Nuclear Laboratories
Sites: 2021**

**Rapport de surveillance réglementaire
pour les sites des Laboratoires
Nucléaires Canadiens : 2021**

Commission Meeting

Réunion de la Commission

November 2, 2022

Le 2 novembre 2022



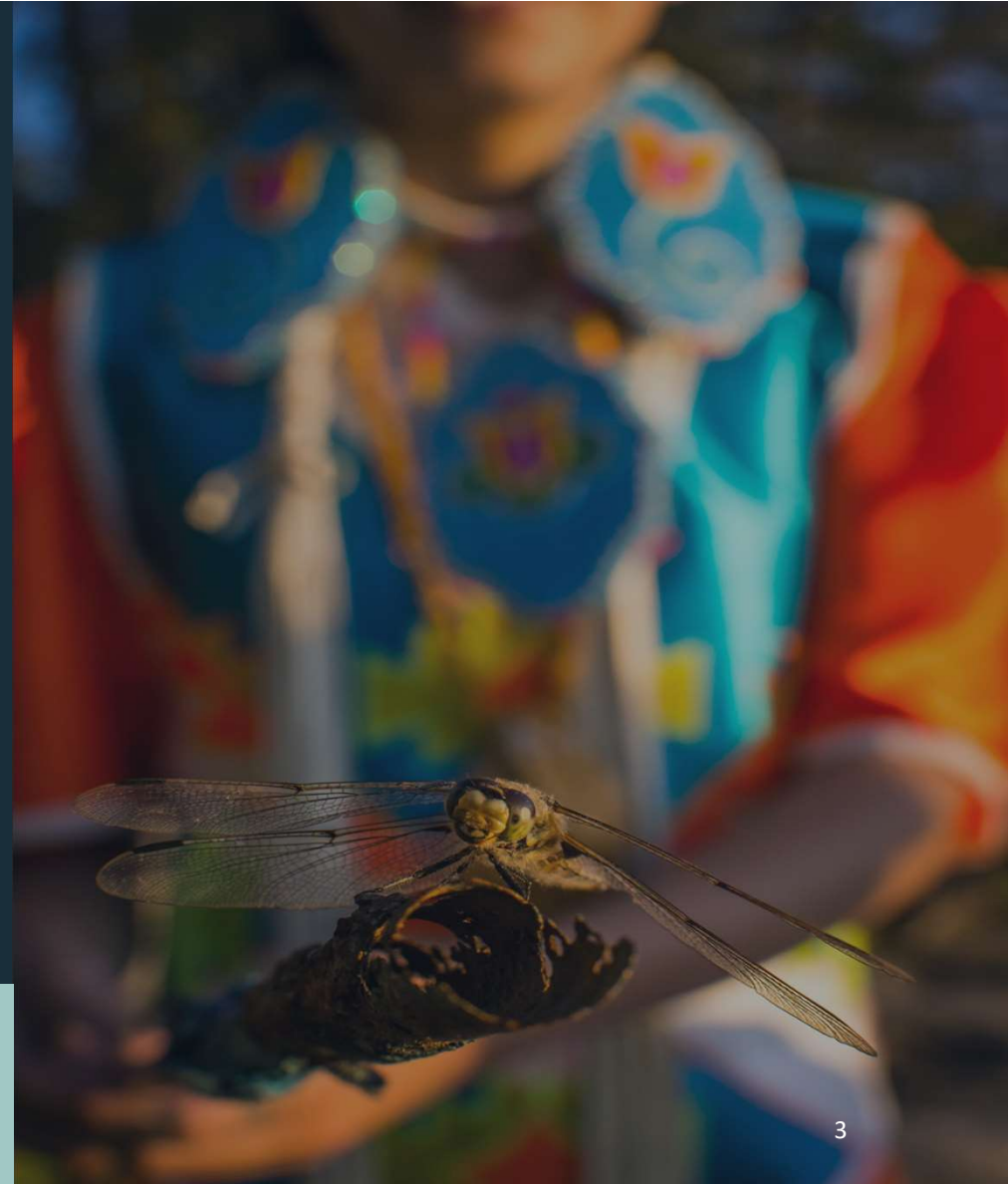
Review of the Regulatory Oversight Report for Canadian Nuclear Laboratories Sites: 2021

November 2, 2022

PRESENTATION OUTLINE

- 1 Introduction to AOPFN's submission
- 2 Part One of the Submission
- 3 Part Two of the Submission
- 4 Conclusions and Next Steps

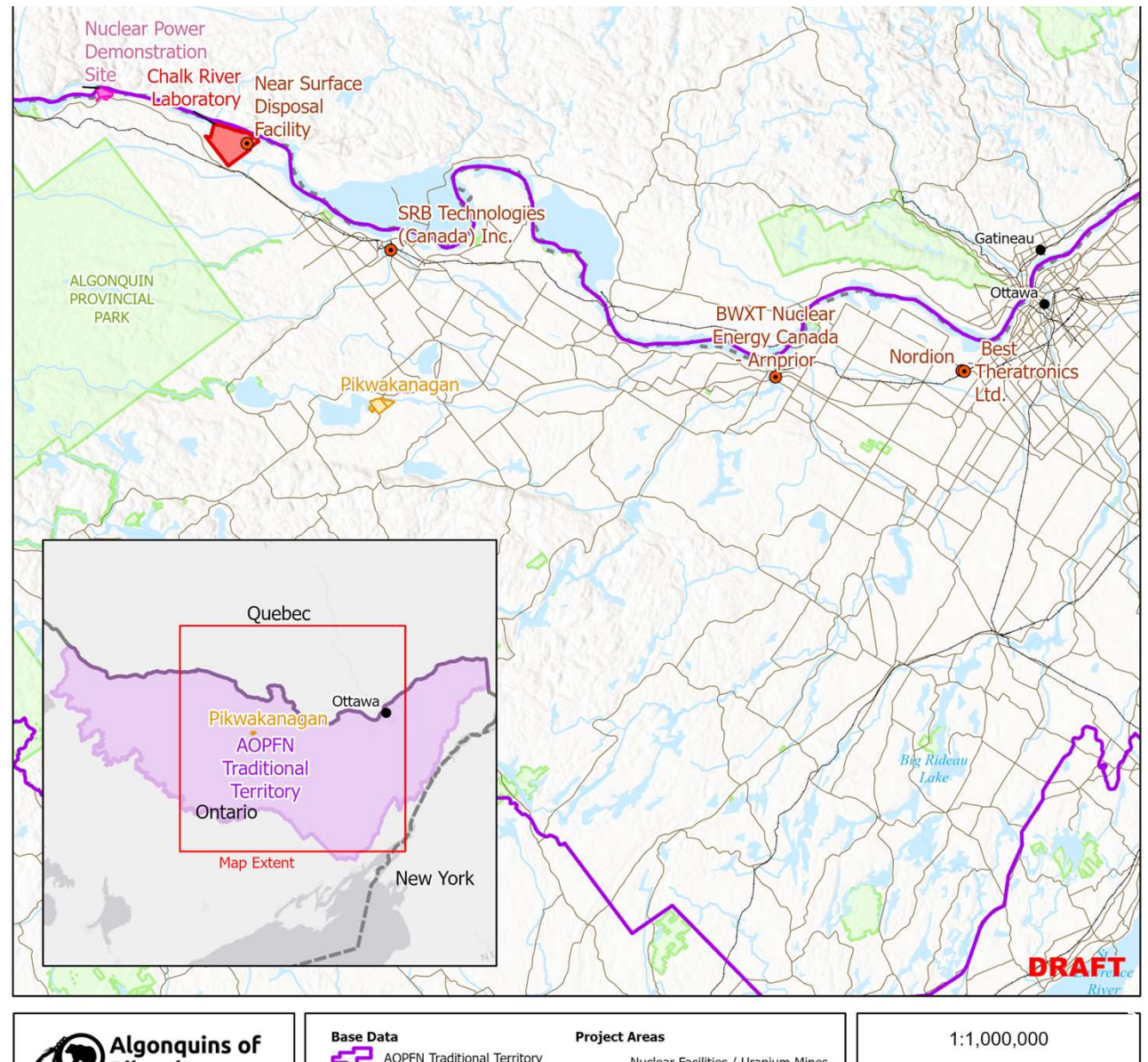
1) INTRODUCTION



INTRODUCTION TO THE SUBMISSION

- Algonquins of Pikwakanagan First Nation (AOPFN) submission focuses on Nuclear Power Demonstration project (NPD) and Chalk River Labs (CRL) facilities on AOPFN territory
- This submission is based on a review of the ROR and our experiences working with CNL and CNSC in 2021 (and 2022)
- The submission has two parts:
 - **Part one**, provides AOPFN-specific comments on the ROR and AOPFN's experiences with CNSC and CNL in 2021.
 - **Part two**, provides joint recommendations for improving consultation with Indigenous Nations going forward. These joint recommendations were prepared with Sagkeeng Anicinabe First Nation (SAFN).

Nuclear Facilities in AOPFN Territory



OVERALL PERFORMANCE FOR 2021

CNL and CNSC have been seeking to improve relations with AOPFN

CNL has invested in its relationship with AOPFN, by:

- Supporting the development of AOPFN's guardian program
- Working with AOPFN monitors
- Meeting with AOPFN regularly
- Supporting and taking AOPFN's Cultural Awareness Training
- And more

CNSC has invested in its relationship with AOPFN, by:

- Improving how it works with Indigenous people in the IEMP
- Working towards developing a long term relationship agreement
- Meeting regularly with AOPFN
- Providing support for AOPFN to participate in reviews
- And more

AREAS FOR IMPROVEMENT

While we are encouraged by this progress, there is still room for improvement. Including:

- ☐ Further direct and continuous **collaboration with our monitoring programs**;
- ☐ More opportunities for **communication with our community members** (such as community feasts, community monitoring outreach, school outreach programs, monitoring training initiatives, and more);
- ☐ Further **transparency and communication** with respect to reporting, rankings, waste management plans, etc.
- ☐ Further **communication, collaboration and co-approval with AOPFN for the import and transport of any off-site radioactive materials** into AOPFN traditional territory;
- ☐ More **incorporation of our feedback** in annual work activities;
- ☐ More **Nation-specific cultural awareness training** with CNSC and CNL staff;
- ☐ Incorporating **Indigenous perspectives on wellness and health**; and
- ☐ Inclusion of **Indigenous Rights Criteria into future RORs**.

2) PART ONE



AREAS FOR IMPROVEMENT: 1. FURTHER INFORMATION REQUIRED

- CNSC found that reported events in 2021 were not significant and were corrected, but there is not enough information for the reader to understand the nature of the event or to understand CNSC's rationale.
- CNSC assessed all areas as "satisfactory", except for Security which was "Below Expectations". However, the ROR does not provide enough information on these deficiencies for readers to assess them for impacts to interests or rights.



CNSC must provide further information on findings, including whether the deficiencies have a potential to cause impacts to the residents and environment within their traditional territories, and how these concerns will be communicated with community members.

AREAS FOR IMPROVEMENT: 2. INDIGENOUS PERSPECTIVES ON WELLNESS

- The ROR assesses the biophysical environment, but does not consider the socio-cultural well-being of local communities and individuals
- There has long been a gap in the consideration of mental wellness and health of peoples living near these sites in the ROR.
- AOPFN has been clear in previous submissions that mental health and rights practicability does **not** continue to be protected, **nor has it ever** been protected at and around nuclear facilities.



CNSC must bring in Indigenous wellbeing as a factor in the assessment, along with other Indigenous rights criteria. This criteria is discussed in Part 2 of the submission.

AREAS FOR IMPROVEMENT: 3. ENGAGEMENT AND CONSULTATION

The key issues we identified with respect to Engagement include:

- The CNSC is making conclusions about CNL's engagement performance without considering Indigenous feedback.
- There is a lack of information given to Indigenous groups regarding waste management and movement. This contributes to an increased perception of risk by community members, and does not support Free, Prior and Informed Consent.
- The current proponent-led consultation system is not working. It remains unclear how Indigenous input is integrated into decisions.
- There is no mention of the involvement of Indigenous groups in CNSC's Environmental Management system.
- There is no mention of impacts to Indigenous Rights in the ROR

AREAS FOR IMPROVEMENT: 3. ENGAGEMENT AND CONSULTATION

To resolve these issues, we recommended the following:

- CNSC provide further information on the public information and disclosure programs, namely how this applies to Indigenous Nations.
- CNSC work with AOPFN to strengthen how events are communicated with AOPFN.
- CNL and CNSC work with AOPFN to strengthen community communication to help mitigate concerns and fears and strengthen relationships.
- CNSC and CNL commit to further communication, collaboration, and co-approval with AOPFN for the import and transport of any off-site radioactive materials into AOPFN traditional territory.

3) PART TWO



THE NEED FOR INDIGENOUS RIGHTS CRITERIA

- The 14 safety and control areas (SCA's) that CNSC use only address safety from a western science perspective, and do not consider how CNL operations may impact indigenous rights and interests
- To address these gaps, we are proposing several SCAs that will:
 - Promote the recognition and protection of Aboriginal Rights, which are protected under section 35 of the *Constitution Act 1982* and the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)
 - And address Indigenous determinants of health and safety

RECOMMENDED SCAS FOR CNL SAFETY METRICS

| Proposed SCA | Description |
|--|--|
| Recognition of, protection and promotion of Aboriginal rights | <ul style="list-style-type: none">• Does the site have measures in place, co-identified with impacted Indigenous peoples, to support the protection and promotion of Section 35 rights and UNDRIP (Free, Prior and Informed Consent; Self-Determination; Cultural Protections; Indigenous Health)? |
| Risk communication with Indigenous peoples and management of public concern | <ul style="list-style-type: none">• Does the site have an effectively functioning program that communicates risks to Indigenous peoples in a timely, effective, and accepted manner?• Are public concerns about the facility low, moderate or high? |
| Integration of Algonquin Knowledge into site monitoring and management | <ul style="list-style-type: none">• (How) Is Indigenous Knowledge integrated into monitoring of the site and its surroundings?• Do impacted Indigenous groups have a demonstrable role in identifying adaptive management measures? |

RECOMMENDED SCAS FOR CNL SAFETY METRICS

| Proposed SCA | Description |
|--|---|
| Level of knowledge and support for site waste management by Indigenous peoples. | <ul style="list-style-type: none">• This can relate to onsite materials management, ultimate disposal plans, import and export types and volumes, and transportation methods and protocols. In other words, community awareness of transport and storing. |
| Engagement adequacy with Indigenous peoples | <ul style="list-style-type: none">• This is an overall pass/fail on adequacy of engagement with each impacted Indigenous group by CNL in a given year |
| Communication and management of reportable incidents with Indigenous Nations | <ul style="list-style-type: none">• Were all reportable incidents promptly reported to impacted Indigenous groups and followed up on with additional communications? |

RECOMMENDED SCA'S FOR CNL SAFETY METRICS

| Proposed SCA | Description |
|---|--|
| Engagement of Indigenous peoples in site planning, monitoring and management | <ul style="list-style-type: none">• Is there a system in place whereby impacted Indigenous groups are integrated into site planning, monitoring and management (research, analyses, decisions and implementation)? |
| Contribution to reconciliation with Indigenous peoples | <ul style="list-style-type: none">• Does the site and the relationship between CNL and impacted Indigenous groups contribute to better relations between Canada and impacted Indigenous peoples?• Are there demonstrable positive benefits to Indigenous peoples from the site? |

4) CONCLUSIONS



CONCLUSION

Overall, the AOPFN has seen CNL and AECL make some progress in recent years to improve relations with our Nation and begin to make more of an effort to respect our rights and interests to our lands and waters. They have:

- Asked how we would like to be engaged
- Began to learn about how we manage our lands and waters

While we are encouraged by this progress, there is still room for improvement:

- CNL and AECL need to commit further to respect our rights, which also means committing to Free, Prior and Informed Consent (FPIC).
- CNL also must improve how and when it communicates with us and that it does so in a way that respects Indigenous perspectives and rights.



MIGWECH / THANK YOU