



CMD 26-M13.27

Date: 2026-04-16

**Written Submission from the
Curve Lake First Nation**

**Mémoire de la
Première Nation de Curve Lake**

In the matter of the

À l'égard de la

**Mid-term update from BWXT Nuclear
Energy Canada Inc. on licensed activities
at its Toronto and Peterborough facilities**

**Mise à jour de mi-parcours sur les
activités autorisées de BWXT Nuclear
Energy Canada Inc. à ses installations de
Toronto et de Peterborough**

Commission Meeting

Réunion de la Commission

May 2026

Mai 2026

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April 16th, 2026
(Submitted by Email)

RE: Curve Lake First Nation's (CLFN) submission on the Mid-term update from BWXT Nuclear Energy Canada Inc. on licensed activities at its Toronto and Peterborough facilities (CMD 26-M13)

**BWXT Nuclear Energy Canada Inc. (BWXT NEC) licences:
FFL-3620.00/2030 (Peterborough) and FFL-3621.00/2030 (Toronto)**

Dear Registrar,

On behalf of the Consultation Department at Curve Lake First Nation, we are providing this written intervention pertaining to the mid-term update from BWXT Nuclear Energy Canada Inc. on licensed activities at its Toronto and Peterborough facilities. Please refer to **Appendix A and B** of this letter for details. We are looking forward to our ongoing and upcoming meetings in 2026 to discuss this mid-term update.

We do this work to uphold our responsibilities to care for the earth and waters, for our people, our nation, and for all our relations. Our foundational belief is balance; our values and principles are built upon the respect, care, and nurturing of all life as part of an interconnected whole and necessary for the balance and harmony required for Mino-Bimaadiziwin now and for future generations.

Yours sincerely,

Francis Chua
Supporting Curve Lake First Nation
Director - Francis Chua Consulting Inc.

CC:
Chief Hockaday, Curve Lake First Nation
Delaney Jacobs, Directors of Lands, Environment & Consultation, CLFN
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Appendix A

Curve Lake First Nation's (CLFN) submission on the Mid-term update from BWXT Nuclear Energy Canada Inc. on licensed activities at its Toronto and Peterborough facilities (CMD 26-M13)

**BWXT Nuclear Energy Canada Inc. (BWXT NEC) licences:
FFL-3620.00/2030 (Peterborough) and FFL-3621.00/2030 (Toronto)**

Background

Curve Lake First Nation (CLFN) would like to acknowledge the Canadian Nuclear Safety Commission (CNSC) staff in their dialogue and work with our Consultation Department since 2020 – the entry into the Terms of Reference with CNSC which followed after the BWXT hearing in 2020. As everyone can appreciate, meaningfully consulting on and addressing each topic or project takes time, commitment, and focus. As demonstrated from 2021 to 2025, we continue to be optimistic that our Terms of Reference and Work Plan will result in progress and improvements in 2026 and beyond.

We acknowledge that the CNSC has provided additional capacity support through CNSC's Indigenous and Stakeholder Capacity Fund; this is under implementation and in concept will help in the numerous nuclear sector topics and projects. This was more recently implemented since the BWXT hearing as well.

CLFN would also like to acknowledge BWXT staff in their dialogue and work with our Consultation Department since 2020. These interactions are positive relationship building strides and we look forward to our evolving relationship when working through challenging issues and rising to the occasion on mutually beneficial opportunities.

Timing and band width are the initial barriers to meaningful consultation and CLFN wishes to thank CNSC and BWXT for their work in addressing these initial barriers and in their commitment and effort to work together to significantly improve programs, processes, approaches, and guidance in order to meaningfully progress relationships, consultations, and reconciliation. CLFN trusts that, like us, CNSC Staff, CNSC Commission Members, BWXT Staff, and BWXT leadership remain committed to this path of reconciliation we have embarked upon and recognize there is still much to do.

CLFN's Consultation Department is progressively building capacity to match the various consultation needs in the nuclear sector. We view this submission process merely as a formal check-in point and we look forward to continuing dialogue and consultation beyond the confines of this process, and we look forward to the future when the CNSC decisions are made in conjunction with the CLFN.

The Peterborough and Toronto sites are located within the homelands and traditional territories of CLFN, and the Michi Saagiig Anishinaabeg. The lands where the Peterborough Facility operates are covered by the pre-Confederation Treaty 20 (1818) and the lands where the Toronto Facility operates include areas covered by the pre-Confederation Gunshot Treaties. Both are covered by the Williams Treaties (1923),

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and the Williams Treaties First Nations Settlement Agreement (2018). We also recognize the Toronto lands also fall under Treaty 13, which our sister Mississauga Nation, Mississaugas of the Credit, are in much closer proximity.

Routine Interactions

CLFN recognizes BWXT for the engagement efforts undertaken to date and sees value in establishing a more consistent and collaborative approach moving forward; even if slowly. Our monthly meetings help support continuity, transparency, and trust, while creating space for meaningful dialogue on operations. Enhancing our relationship as we navigated through Indigenous Knowledge incorporation and reconciliation plans align with a nation-to-nation relationship and ensure that CLFN perspectives are reflected throughout BWXT. CLFN believes that given the various demands on all of our time, BWXT and CLFN have made space for each other to maintain contact.

Community Visits

CLFN appreciates BWXT's efforts to learn more about community by visiting Curve Lake. These in-community interactions represent important steps toward building mutual understanding and respect, providing BWXT with valuable insight into CLFN's culture, values, and connection to the land and water. Taking the time to engage in this setting supports more informed and culturally aware decision-making and reflects a positive commitment to relationship-building. CLFN encourages the continuation and expansion of these in-community engagements as an important foundation for ongoing collaboration. CLFN also recognizes BWXT on sponsoring and attending the CLFN Pow Wow, BWXT's contributions to the CLFN foodbank, and BWXT's interest in the summer student program at CLFN.

Facility Tours

CLFN also appreciates BWXT's invitation to participate in facility tours, which provide opportunity to better understand site operations in a direct and experiential way. CLFN acknowledges that past Chiefs have participated in tours of the facility and found the experience informative, particularly in gaining insight into the medical isotope operations. Opportunities such as these support greater awareness, build confidence through first-hand observation, and contribute to open and constructive dialogue. CLFN encourages the continuation of these tours, including opportunities for broader community participation, as a means of strengthening understanding and ongoing engagement.

Soil Sampling and Community Garden

CLFN recognizes that facility air emissions are the primary pathway for potential release into the natural environment and eventual deposition of contaminants. Annual soil samples were taken from 11 recreational and education facilities since 2021 for uranium and beryllium. The Peterborough Site and CLFN Pow Wow grounds were added in 2025. We understand that all samples were below their regulatory limits and detection limits (DL) except for beryllium at Sherbrooke Park which is marginally above beryllium's DL.

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CLFN appreciates the monitoring and reporting programs in place and sees opportunities to deepen collaboration in this area, particularly regarding water systems and the protection of downstream environments. Building on existing sampling initiatives, CLFN is interested in participating in joint monitoring efforts that incorporate both scientific methods and Indigenous Knowledge. This could include community-based observations related to water quality, sediment, plant health, and fish habitat. Providing accessible, community-friendly summaries of monitoring results would also help ensure that information is meaningful and usable at the local level.

CLFN appreciates the invites provided by BWXT on a yearly basis and sees the value of CLFN involvement in sampling and land-based activities to date, including soil work and harvesting observations. CLFN encourages the continued evolution of these efforts into more formalized, co-developed programs. Defining clear roles for CLFN in monitoring design, implementation, and interpretation would support a more integrated approach and demonstrate how Indigenous Knowledge contributes to environmental understanding and decision-making.

CLFN acknowledges BWXT's community garden initiative as a positive and tangible example of collaboration. This initiative presents an opportunity to expand land-based partnerships by incorporating traditional plant species, including medicines, and exploring its role in environmental observation and stewardship. With further development, the garden could serve as a foundation for integrating Indigenous Knowledge into site-level monitoring. Clarifying its long-term role and ensuring continued community involvement would enhance its value as both a cultural and environmental initiative.

Medical Isotopes

CLFN recognizes that medical isotopes are a vital component of modern healthcare, playing an essential role in the diagnosis and treatment of life-threatening conditions, including cancer. As the health of our community is also in the centre of the work that we do, as the way that we live, we appreciate the efforts to protect that. We understand that nuclear facilities are uniquely equipped to produce these isotopes.

While medical isotopes are produced in parallel with power production, it is critical to ensure that such operations are undertaken responsibly, with full consideration for environmental sustainability. The integrity of ecosystems and the well-being of local communities must remain paramount. Rigorous safeguards, effective waste management strategies, and transparent monitoring systems should be implemented to prevent any potential environmental harm. CLFN encourages continued efforts to provide clear, accessible information about these operations. Expanding plain-language communication materials that explain the nature, purpose, and safety considerations of these activities would support broader community understanding and confidence. Transparent communication around how different operational streams are managed would further strengthen trust.

As these isotopes are produced in our territory, we expect to have access to these life saving treatments readily available to our community members, ensuring equitable healthcare opportunities and addressing the unique medical needs of our population without unnecessary delays or barriers. This accessibility

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would demonstrate a commitment to prioritizing the health and well-being of the communities directly connected to the production of these critical resources. It is essential that CLFN and the other WTFN communities, as Rights holders to these production facilities benefit directly from the advancements in healthcare made possible by their proximity to this innovation.

UNDRIP, FPIC, TRC

CLFN would like to reiterate our stance on the adoption of the United Nations Declaration on the Rights of Indigenous Peoples Act (UNDRIPA) and recent Supreme Court decisions affirm the significance of the CNSC's implementation of UNDRIPA, particularly the principle of Free, Prior, and Informed Consent (FPIC), in evaluating Crown consultation activities. Canada's commitment to aligning its laws with the Declaration, as outlined in UNDRIPA, was further reinforced by the Supreme Court in 2024, which declared UNDRIP incorporated into domestic law and binding on Canada. These rulings clarified the legal force of UNDRIPA, emphasizing that it is more than aspirational and must inform the interpretation and application of Canadian law, including regulatory processes like those of the CNSC under the Nuclear Safety and Control Act. Key principles of UNDRIP, such as FPIC and the rights of Indigenous peoples to maintain their means of subsistence, development, and economic activities, as well as the obligation to provide redress for harm caused without FPIC, underscore the importance of meaningful engagement with Indigenous communities. In this context, the CNSC's decision-making regarding the OPG PWMF licence amendment must be consistent with UNDRIPA, address the concerns raised by CLFN, and demonstrate genuine two-way dialogue that goes beyond information sharing to reflect a commitment to understanding and accommodating the perspectives of impacted First Nations. While progress has been made, significant opportunities remain to evolve consultation processes and ensure alignment with the principles of UNDRIP and UNDRIPA. As well as findings of the Truth and Reconciliation Commission of Canada (TRC) with respect to the lasting impacts of the residential school system on First Nations peoples and families and in particular Call to Action No. 92 calling upon the corporate sector in Canada to adopt UNDRIP as a reconciliation framework and to apply its principles, norms, and standards to corporate policy and core operational activities involving Indigenous peoples and their lands and resources. Since the Duty to Consult is not delegated to OPG and remains with CNSC, we expect this Duty to be upheld with the above-mentioned legal guidance. In support however, OPG does mention their Reconciliation Action Plan (RAP) as a mechanism to define their measurable goals in their reconciliation with Indigenous Nation, communities, and businesses. We encourage OPG to continue to build upon already establish relationships with Indigenous Communities and looks forward to creating a better way ahead for everyone involved.

First Nation's Governance Systems

CLFN would also like to reiterate the importance of each First Nations' unique governance systems. Chief and Council are directly responsible for all aspects of life for our citizens. We have formal processes which must be followed, similar to any other government. For CLFN this includes briefings and presentations to committees, holding community engagement meetings to inform and gather feedback, seeking guidance from Elders and ensuring our collective Rights are protected. Each matter before Chief and Council will have its own inherent timeline and process. While we do our best to work

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collaboratively with proponents and other governments, our process cannot be disregarded simply to meet their needs, including the timelines and deadlines dictated by those needs.

Closing

Overall, CLFN acknowledges that the facility operates within regulatory requirements and appreciates the information provided to date. The relationship building progress with BWXT at this mid-term juncture is satisfactory and is constrained by time and bandwidth. While incrementally slow, constructive progress is being made. An acceleration of constructive progress will always be welcomed if possible, for both CLFN and BWXT.

There is an opportunity to enhance how safety, operations, routine monitoring, routine reporting, and environmental protection are communicated; particularly by providing context around long-term monitoring, cumulative effects, and ongoing improvements. Continued transparency, along with a precautionary and inclusive approach, will help ensure that environmental stewardship aligns with CLFN's familial relationship to the land, water and All Our Relations.



Appendix B

Targeted Questions for Clarification and Targeted Recommendations

CLFN's staff interactions with BWXT is generally constructive as articulated above. There are staff level questions for clarification and further discussion identified below. These are to be discussed with CNSC and BWXT at routine meetings. Preliminary answers to these items would be appreciated as part of this mid-term process and these preliminary answers can set the stage for those future routine meetings.

1. What are the **decommissioning costs** for the Peterborough and Toronto facilities?
2. Section 4.1.11 of the Peterborough Mid-year report states that 2 leaks through the subsurface occurred on March 14, 2023, and April 9, 2025, in Building 21.
 - a. Has a holistic assessment been done of Building 21's floor to ensure that there are no concrete cracks or gaps?
3. Where is **effluent from the Toronto Site** discharged into?
4. Please clarify the **range of distances and relative locations the soil samples** were taken for both Sites.
5. Should the document use "**Indigenous Nations,**" "**First Nations,**" or "**Indigenous communities**"?
 - a. Recommend choosing one term and applying it consistently throughout.
6. **Do communities have access to inspection results from the CNSC (Canadian Nuclear Safety Commission)?**
7. **The document states:** "During the current licence term, no significant gaps were identified in the management system, and minor findings through audits or assessments were logged in Gensuite® and tracked until closure." (p. 12)
 - a. What were these minor findings?
 - b. Are details of these findings publicly available?
8. **The Environmental Risk Assessment (ERA) was updated:** "The ERA was updated in 2023... and revised in February 2025 to address comments from CNSC staff." (p. 31)
 - a. Does the public have access to the specific revisions/edits made?
9. Is there **public access to Environmental Protection Program** details?
10. What does **cultural awareness training** (p. 16) include?
11. **Does it involve First Nations engagement or Indigenous-led training?**
12. **How does Curve Lake First Nation participate in the decommissioning plan?**
 - a. Is there collaboration with First Nations to consider long-term (seven generations) sustainability?
13. **Section 4.1: Public Information & Disclosure Program**
 - a. Can the document elaborate on collaboration with Indigenous communities?
 - b. Do Indigenous communities have equal access to this program?
 - c. Are there meetings, consultations, or forums specifically for First Nations?
14. **Table 3 indicates an increase in air monitoring controls:**
 - a. What actions will be taken to address this increase?
 - b. Does this indicate a potential risk or harm?



15. Why are pH measurements included for Toronto water effluent but not for Peterborough?

- a. Is there a rationale for this discrepancy?

16. How is BWXT collaborating with the community to create job opportunities?

17. How does BWXT engage with community members who may not have:

- a. Access to social media
- b. Reliable internet/Wi-Fi?
- c. Are there alternative outreach methods?

(Page 46) 4.1.3 Indigenous Relations

18. “Between 2021-2025, BWXT NEC made efforts to engage with The Williams Treaties (Alderville, Curve Lake, Hiawatha, Scugog Island, Beausoleil, Georgina Island and Rama) and the Peterborough and District Wapiti Métis Council”

- a. CLFN would like to recommend delineating between the Treaty territory Right’s holders and other groups. There wasn't a land acknowledgement at the start of the document so it would be good for BWXT to outline in this section they understand the difference between Treaty First Nations and others
- 19. In the following section they have all yearly interactions with First Nations under the same paragraph so maybe this could also be divided between the WTFN and Metis. They could create a chart (for example) and organize things based on each Nation per year (might help with clarity rather than going back and forth between the engagements for various nations)**

(Page 47) 4.1.3 Indigenous Relations

- 20. (The 2024 bullet point) BWXT mentions the annual sampling campaign in August and the community visit in November. CLFN has not had the opportunity to discuss with BWXT that CLFN has interacted with CNSC on sampling and analyzing Manoomin during Manoomin harvesting (late Sept/early Oct) at a location in community in proximity to the CLFN/BWXT soil sampling site at CLFN. CLFN will be doing a presentation with CNSC regarding interactions in IEMP sampling campaigns. This could be a connecting point between CLFN and BWXT.**

(Page 48) 4.1.3 Indigenous Relations

- 21. (the 2025 bullet point) BWXT mentioned the August soil sampling campaign CLFN attended, CLFN would like to suggest BWXT include reference to the small garden that BWXT/CLFN collaborated on as part of the campaign. There are plans to plant traditional medicines or at least local plants (given the landowners request that nothing is consumed from the soils). There was a meeting with the cultural staff, consultation staff and BWXT on this topic so that could also be included.**