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**Written submission from the
Kebaowek First Nation**

**Mémoire de la
Première nation de Kebaowek**

**Regulatory Oversight Report for
Uranium and Nuclear Substance
Processing Facilities in Canada: 2021**

**Rapport de surveillance
réglementaire des installations de
traitement de l'uranium et des
substances nucléaires au
Canada :2021**

Commission Meeting

Réunion de la Commission

December 15/16, 2022

15/16 décembre 2022



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October 31, 2022

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Re: Regulatory Oversight Report (“ROR”) for Uranium and Nuclear Substance Processing Facilities in Canada: 2021 – Submissions of Kebaowek First Nation (“KFN”)

Dear Commissioners

The following submission is presented on behalf of Kebaowek First Nation (“KFN”) to the Canadian Nuclear Safety Commission (“CNSC”) provided for under the *Nuclear Safety and Control Act* (NSCA 1007).

As an Algonquin First Nation Government who represents Algonquin rights & titleholders in the Kitchi-Sibi watershed and to areas that may be affected by the uranium and nuclear processing facilities in Canada outlined in the CNSC 2021 ROR it is our duty to protect our lands, waters and environment for future generations.

While we appreciate the 2021 ROR document having included land acknowledgements and Indigenous consultation and engagement as a standalone section for the first time, we are not encouraged by the CNSC’s commitment to Indigenous consultation in general.

As an ROR related example, on October 8, 2021 the Commission made a decision on the BWXT Medical license application where in your decision CNSC staff expressed their opinion, “that the duty to consult is not engaged by this decision because the proposed license, as it does not pose a change to the footprint of the existing Nordion nuclear substance processing facility or significantly change the operations of the existing facility, would not cause any adverse impacts to any established or potential Indigenous and/or treaty rights.”

This 10 year licensing decision is of deep concern to Kebaowek as we expect to be consulted regarding all operations inside and outside of the Nordion facility including the development of new nuclear technologies and the packaging and shipping of nuclear waste and the potential impacts of these new and existing operations on our current and future socio-cultural and environmental well-being.

It is further concerning that the 2021 ROR indicates that the CNSC performed no inspections at the BWXT Medical Facility as they were operating under Nordion's operating license from January 1, 2021 to October 31, 2021.

KFN understand's the existence of uranium and nuclear substance processing facilities in and around Algonquin Anishinaabeg land and waterways can have adverse impacts on our unceded land and inherent rights of the Algonquin Anishinaabeg peoples in perpetuity. Given the long-lived nature of the uranium and nuclear substances used and created by these facilities' operation and their legacy wastes we are totally opposed to increasing industry self-regulation on or near our ancestral land and waterways.

Moving forward we insist that ethical frameworks for consultation and oversight of nuclear waste management for nuclear facilities on our lands be worked out in a nation-to-nation fashion. This request must be construed in a manner consistent with the Canadian Constitutional obligations to consult our First Nation community and evolving provisions of the United Nations Declaration on the Rights of Indigenous Peoples Canada Act 2021. Therefore, the Ministry of National Resources Canada (NRCAN) shall also consider our contribution to nuclear operations and waste management oversight under the UNDA 2021 as statutory circumstances are developing.

Kebaowek remains committed to develop a mutually agreeable consultation process with regard to CNSC – led regulatory processes of interest to Kebaowek.

This submission provides a number of forward looking recommendations and conditions regarding the uranium and nuclear processing facilities operations affecting Algonquin Anishinaabeg lands and waters as outlined in 2021 ROR. We await our further discussion of these subjects and our recommendations in the upcoming December 2022 ROR Commission hearing.

Sincerely



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**Kebaowek First Nation Review
of the Regulatory Oversight Report (“ROR”) for Uranium and Nuclear
Substance Processing Facilities in Canada: 2021**

FINAL WRITTEN SUBMISSION

presented to
Canadian Nuclear Safety Commission

October 31, 2022

NOTE

This document is the final written submission of the Algonquin Nation of Kebaowek submitted by the Chief and Council on October 31 , 2022.

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INTRODUCTION

The following submission is presented on behalf of Kebaowek First Nation (KFN) to the Canadian Nuclear Safety Commission (CNSC) provided for under the *Nuclear Safety and Control Act (NSCA 1997)*. We will refer to this CNSC staff uranium and nuclear substance processing report as ROR.

KFN is one of ten distinct First Nations that make up the Algonquin Nation. Nine are located in Quebec and one, in Ontario. KFN's traditional territory lies on either side of the Ottawa River Basin and 1,000 members live, work and exercise Aboriginal rights, including Aboriginal title, in both Ontario and Quebec. KFN's reserve is located in Quebec on Lake Kipawa, 15 km from the interprovincial border. KFN, like many Aboriginal peoples in Canada, is a trans-border community.

Mobility on our lands and waterways has always been central to our culture and our relations. The following KFN ROR comments on uranium and nuclear substance processing facilities on our lands and waterways arises from our growing concern that Canadian nuclear facilities and operational activities continue to introduce nuclear waste into the environment and decrease the capacity of our future generations to benefit from the environment. Environmental sustainability is central Ona'ken'age'win our system of customary law and governance.

Today it appears Canadian governments accept any new nuclear technologies along with a willingness to invest as a demonstration of need.¹ For its part, the proponent will consider existing and projected demand and supply and use that value to ascertain project/operation profitability. However over many centuries our Algonquin Communities can attest that such market-driven decision-making may not always lead to satisfactory results in terms of the resulting human and ecological harm and implications.

The probability of accidents and malfunctions should not be hidden by assumptions or optimistic expectations of the proponent and governments. Nor should there be a lack of facility inspections and increase in industry self-regulation. KFN is highly concerned with the extent to which biological diversity and ecological functions may be affected. KFN is also concerned with how climate change events increasingly interfere with the predictability of facility operations and safety as outlined in the 2021 ROR. We also understand from the 2022 AECL/CNL Annual General meeting that there is a worldwide question of uranium and nuclear material resources supply to meet the needs of present and future facility operations.

¹ <https://www.reuters.com/business/energy/canada-backs-nuclear-power-project-with-c970-mln-financing-2022-10-25/> See also:

https://www.iisd.org/system/files/publications/mmsd_sevenquestions.pdf

The above concerns lead to questions of the equitable distribution of benefits and costs in the near-term (i.e. life of project) for our Algonquin Nation as well as the inter-generational equity in the distribution of costs and benefits in the long-term.

Kebaowek First Nation supports the “Precautionary Principle” and insists CNSC to adopt a cautionary approach, or to err on the side of caution, especially where there is a large degree of uncertainty or high risk.² Related, KFN seeks the CNSC review of the Medicine and Nuclear Power document produced by Dr. Gordon Edwards of the Canadian Coalition for Nuclear responsibility September 2022. Available at: http://www.ccnr.org/med_facts_flyer.pdf

Kebaowek has some fundamental questions addressing uranium and nuclear substance needs assessment as part of both licensing and regulatory oversight reports for the uranium and nuclear substance processing facilities before the commission, including:

- (1) How, in practice, should a needs assessment on new technologies and operations that improves on the current regulatory oversight approach be undertaken? (2) Whose needs should drive the assessment? and (3) Who should be the judge?

In addition, Kebaowek would like to discuss the following areas of specific concern within the Regulatory Oversight Report (“ROR”) for Uranium and Nuclear Substance Processing Facilities in Canada: 2021 CNSC at December 2022 hearing:

1. INDIGENOUS CONSULTATION

Regardless of the specific nuclear project or ROR under review, the government of Canada has a constitutional obligation to consult Kebaowek and all First Nations within the Algonquin Nation. Section 8(2) of the *Nuclear Safety and Control Act (NSCA 1997)* recognizes that the CNSC acts as an agent of the Crown. Therefore, it is the CNSC acting as the Crown that must meet obligations to consult and is entrusted with the responsibility of fulfilling the Honour of the Crown.

While we appreciate the ROR document includes land acknowledgements and Indigenous consultation and engagement as a stand alone section for the first time, we are not encouraged by a recent CNSC decision related to BWXT medical’s licence request and the fulfillment of deep and meaningful Indigenous Consultation.

On October 08, 2021 the Commission made a decision on the BWXT Medical licence application where in your decision CNSC staff expressed their opinion, “that the duty to consult is not engaged by this decision because the proposed license, as it does not pose a change to the

² See: Framework for the Application of Precaution in Science- based Decision Making About Risk (Government of Canada, 2003) <https://publications.gc.ca/collections/Collection/CP22-70-2003E.pdf>

footprint of the existing Nordion nuclear substance processing facility or significantly change the operations of the existing facility, would not cause any adverse impacts to any established or potential Indigenous and/or treaty rights.”

This 10 year licencing decision is of deep concern to KFN as we expect to be further consulted regarding all operations inside and outside the Nordion facility including the development of new nuclear technologies and the packaging and shipping of nuclear waste and the potential impacts of these operations on our current and future socio-cultural and environmental well-being. The CNSC carte blanche opinion statement that “the duty to consult is not engaged by this decision” actively discouraged any further meaningful engagement between BWXT and KFN that is necessary in building positive relationships, advancing community trust and environmental reconciliation with First Nations. “The Supreme Court of Canada has said that deep consultation will typically include the following elements:

- Meaningful and accessible information about the project: *Information about a project should come in a form that is useful and digestible to the Indigenous community affected. For instance, where community members speak their Indigenous language, translation of the project materials into that language may be required.*
- Formal participation in the decision making process: *This will usually include the opportunity to submit evidence and make submissions about the impacts of the project.*
- Funding to enable the participation of the Indigenous community in the decision-making process: *Without adequate funding, it can be difficult for a community to participate meaningfully in the decision-making process.*
- Written reasons to show how Aboriginal concerns were considered and the impact they had on the decision. *This should include a specific assessment of the impact of the project on the asserted right, not just a consideration of the environmental impacts of a project generally.*

See, generally, *Hamlet of Clyde River v Petroleum Geo-Services Inc*, 2017 SCC 40 at paras 47-52.

This is not a rigid checklist, however. A reviewing court will look at each case on its facts to determine whether the standard of “deep consultation” is met. The overarching requirement is to engage in a meaningful process of consultation that attempts to substantially address Indigenous concerns about the project. Simply providing a forum for an Indigenous community to air their concerns, or to exchange information about the project is not deep consultation. Nor is it acceptable if consultation begins from the premise that no accommodation can be made to address Indigenous concerns (*Haida Nation*, paras 42, 44; *Mikisew Cree First Nation v. Canada (Minister of Canadian Heritage)*, 2005 SCC 69 at para 55). In other words, reasonable accommodations to address Indigenous concerns should be made as part of the consultation process.

Where can deep consultation happen?

The Crown can rely on a tribunal or other decision-making body, like the CNSC, to fulfill the duty to consult, even in cases where deep consultation is required. However, this will only be appropriate where the statute that creates that tribunal gives it the powers it needs to provide meaningful consultation and accommodation to Indigenous communities. This has to include 1) the procedural powers to give Indigenous communities a meaningful voice in the decision-making process; and 2) the remedial powers to order appropriate accommodations of Indigenous concerns (*Hamlet of Clyde River*, at paras 30-34).³

KFN seeks clarification on CNSC's approach to meaningful consultation and the BWXT licensing and operations decision.

In addition, in carrying out the 2021 Regulatory Oversight Review, we are unclear how the Commission is to recognize the objectives of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), specifically how the CNSC shall reflect the principles of the Declaration in its recommendations, especially with respect to the manner in which the license review can be used to address potential impacts to potential or established Aboriginal and treaty rights.

UNDRIP is an international human rights instrument negotiated over twenty years which recognizes "[minimum standards for the survival, dignity and well-being of Indigenous Peoples](#)".

These standards are based on obligations under customary international law and international treaties to which Canada is a party. UNDRIP enjoys a strong consensus at the international level as well as great respect and commitment among Indigenous Peoples in Canada, whose [involvement was instrumental in its drafting and adoption](#).

The [Truth and Reconciliation Commission of Canada](#), the [National Inquiry into Missing and Murdered Indigenous Women and Girls](#), and the [Viens Commission](#) have recognized the importance of UNDRIP and recommended its implementation.

[British Columbia](#) and [Canada](#) have followed this recommendation. In June 2021, Canada introduced the United Nations Declaration on the Rights of Indigenous Peoples Act.

In practice, UNDRIP would promote, amongst other things, transitions toward sustainable development. The concept of free, prior, and informed consent (FPIC) promoted by the UNDRIP in advance of project development is of paramount importance to KFN and other First Nation communities across Canada.

The UN Declaration includes a number of articles, towards recognizing the need for a dominant state to respect and promote the rights of its Aboriginal peoples as affirmed in treaties and agreements, including how Aboriginals participate in decision-making processes that affect their traditional lands and livelihoods (UNDRIP, 2007).

³ <https://www.oktlaw.com/consultation-at-the-high-end-of-the-spectrum-a-primer/>

For example, article 18 provides as follows:

Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedure, as well as to maintain and develop their own indigenous decision-making institutions.

Security of First Nations' lands must be ensured through in-depth consultation and direct participation. Indeed, it is a principle of article, per Article 29.2 of the United Nations Declaration on the Rights of Indigenous Peoples that specifically addresses the issues before the CNSC, requiring that; "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."

Moreover, article 32 (2) of the UN Declaration states:

States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water and other resources.

We invite the CNSC to reconsider the articles of UNDRIP, in your effort to build constructive relationships and engagement between the commission industry and Indigenous Peoples.

UNDRIP sets out the duty to consult with Indigenous communities to obtain their free, prior and informed consent (**FPIC**) to projects that impact their rights. The content of the consultations is tailored to the circumstances and leads to varying outcomes, such as a mutual determination that a project is not feasible.

Many industrial sectors support UNDRIP and the principle of FPIC, and are not afraid of a "veto":

- The [International Council on Mining and Metals](#) whose members include Rio Tinto Alcan, GoldCorp, and the [Mining Association of Canada of which Agnico-Eagle](#) is member;
- The [new Canadian FSC standard](#) and its [FPIC guidance](#), under which companies like Cascades, White Birch's mills and most Resolute Forest Products' facilities have been certified;
- The [Equator Principles](#), adopted by [Canadian banks](#) and [Export Development Canada](#).

The [United Nations Global Compact](#), the [World Bank](#) and the [International Finance Corporation](#) have standards that recognize the relevance of FPIC. Many international investors monitor corporate performance in this regard.

We also recommend to the Commission to strengthen Indigenous consultation components of your regulatory documents as per Canada's International commitments related to the Convention on Biological Diversity (CBD) in recognizing the benefits of incorporating Indigenous knowledge for natural resource management and conservation.

KFN does not endorse, accept, or acknowledge any claims to any Aboriginal or Treaty Rights made by the Algonquins of Ontario ('AOO'). KFN does not recognize the AOO as an entity entitled to consultation or accommodation. To this end, CNSC and other federal authorities evaluating licensing projects pursuant to *Canadian Constitution* should restrict participation of the Algonquins of Ontario ('AOO') also known more appropriately as an ALGONQUIN OPPORTUNITY (NO.2) CORPORATION.

2. NUCLEAR WASTE TRANSFER TO CNL

KFN understands from the ROR that in 2021, "Cameco carried out Vision in Motion (VIM) work that included:

Preparation and transfer of stored wastes to the CNSC licensed Canadian Nuclear Laboratories (CNL) [Port Hope Project Long Term Waste Management Facility \(LTWMF\)](#). Packaged waste to the LTWMF was suspended temporarily in 2021 until a new waste cell was made available." (SECTION 2.3 P.8)

KFN requests regulatory oversight including CNSC should set out in writing how waste transfer to CNL was considered and complied with Indigenous consultation and UNDRIP, specifically Article 29.2. Kebaowek submits the CNSC is proceeding with its licensing for licensees to proceed contrary to obligations with regards to our rights under UNDRIP, including Articles, 1, 7, 29 and 32.

KFN requests documentation on waste transfers from all nuclear facilities to CNL Chalk River ON as this is located on KFN, WLFN and TFN Statement of Asserted Rights and Title Territory, Kebaowek asks the CNSC to provide the following information:

- Facility of Origin
- Substance name
- Units/weight/volume
- Method of disposal and location
- Percentage change in quantity from previous years

3. INSPECTION AND REPORTABLE EVENTS

We understand from the ROR there were no inspections conducted by CNSC staff at Nordion in 2021. (SECTION 3.2 p.13). KFN also takes note of the extensive list of Section 7.1 reportable

events from the different ROR facilities and would like to raise our specific questions and concerns regarding these events at the December 2022 hearing.

As stated in the BWXT licensing hearing KFN values collaborative processes that are clear, transparent and predictable, and where information is shared in a timely and accessible manner. This requires nuclear substance processing facilities to have an ongoing duty to consult with KFN and disclose notices, changes to the licence, or the submission of revised licensing documents and activities to CNSC.

KFN acknowledges from BWXT medical's website that on June 27, 2021 BWXT executed a commercial agreement with Bayer AG (Bayer) to supply high purity Actinium 225(Ac-255). KFN requests more information on Ac-255 is it produced at the Nordion site?
<https://www.bwxt.com/bwxt-medical/news>

KFN requested BWXT should enter into a formal licensing process agreement to be negotiated with Kebaowek First Nation. However, statements and the recommendation by CNSC Staff to grant the BWXT licence failed to consider KFN's consultation concerns with significant operational changes at the site regarding the production of molybdenum-99 (Mo-99), that BWXT Medical is a first-time licensee, and the success of Nordion and BWXT Medical partnership remains to be seen. It is for these reasons, each detailed below, that Kebaowek strongly opposes a ten-year licence:

1. A significant change is proposed at the site which would allow BWXT Medical to produce producing molybdenum-99 (Mo-99) using neutron activation of natural molybdenum-98 targets in a reactor.
2. BWXT Medical is a first-time licensee before the CNSC and does not have performance or compliance record which can be used as precedent in this instance. In making a licensing decision pursuant to section 24(4) of the *Nuclear Safety and Control Act*, the CNSC must be satisfied that the licensee is qualified to make adequate protection for the protection of the environment and human health. The past performance of this facility cannot be used to demonstrate that a licensee is qualified to undertake the proposed licenced activity.
3. Nordion and BWXT Medical will share the oversight and compliance of a number of Safety and Control Areas. For reasons of different staff, leadership, company direction and internal management, the success of these shared responsibilities cannot be assumed. Further, no CNSC inspections were carried out in 2021. Our understanding is these inspections include:
 - *Staffing and operations*

- *Safety and fire protection*
- *Fire protection*
- *Radiation protection*
- *Environmental Monitoring*

KFN requests clarification on the regulatory oversight of BWXT Medical at the Nordion site as there is not sufficient information before the Commission to demonstrate the licensee is qualified to undertake the proposed activities, including the production of Mo-99 and any other new nuclear substances.

A repeated issue Kebaowek faces in reviewing project proposals, is the inadequate information which is provided and often, differential levels of information wherein one party has greater access than the other. In this instance, there is a clearly inequitable levels of access to licensing documents inhibiting our review of procedures and activities which have direct bearing on the lands and waters of our traditional territory. KFN is essentially required to operated in a poorly resourced informational vacuum.

Kebaowek sought copies of all documents referenced in CNSC Staff CMD for the BWXT license. However, references 5, 9, 13, 17, 18, 19 and 40 were all deemed internal and not provided. They are:

5. BWXT Medical, CPM-6-06, Nordion Environmental, Health and Safety Policy, 2018.
9. BWXT Medical, SE-EHS-009, EHS Regulatory Reporting and Notifications, 2018.
13. BWXT Medical, IS/SR 1070 Z000, Final Safety Analysis Report for the Nuclear Medicine Production Facility, 2018.
17. BWXT Medical, SE-ENV-015, Nordion Environmental Protection Program, 2018.
18. BWXT Medical, SE-ENV-001, Environmental Management System Manual, 2018.
19. BWXT Medical, SE-RP-008, Radiation Protection Manual, 2020.
40. BWXT Medical, SE-LIC-020, Public Information and Disclosure Program and Indigenous Engagement for BWXT ITG, 2020.

KFN also requests to the CNSC the following license specific changes be made and new conditions added:

1. Kebaowek values collaborative processes that are clear, transparent and predictable, and where information is shared in a timely and accessible manner. This requires BWXT Medical to have an ongoing duty to disclose notices, changes to the licence, or the submission of revised licensing documents to CNSC. As Constitutional rights holders on

Unceded Algonquin lands Kebaowek can not be restricted from “BWXT business proprietary information”. Kebaowek should be promptly communicated with and all documents made fully available in English.

Kebaowek has actively engaged on a range of significant infrastructure and energy projects and at a minimum, a company’s environmental plan and Indigenous engagement protocol are documents which are public for the very reason they are necessary in building positive relationships, advancing community trust and economic reconciliation with First Nations.

4. RADIOACTIVE & NON-RADIOACTIVE WASTES

It is KFN’s understanding the production of Mo-99 by aqueous chemical processing of irradiated HEU or LEU targets produces the following four waste streams:

- Uranium solids (alkaline target dissolution only). These solids, which contain LEU or HEU, are placed into long-term storage for reuse or disposal.
- Processing off-gases, primarily the noble gases xenon (Xe-131m, Xe-133, Xe-133m, and Xe-135) and krypton (Kr-85). These gases are stored for several months to allow time for radioactive decay. Following storage, the gases are vented to the atmosphere.
- Process liquids from target dissolution. These liquids contain fission products and neutron activation products produced during target irradiation. These wastes are typically solidified and packaged for disposal.
- Other solid wastes produced during target processing: for example, radioactively contaminated processing equipment. These wastes are also packaged for disposal.⁴

Each Mo-99 supplier has a different approach for managing these wastes, depending on the regulations and storage/disposal facilities available in host countries. Production of Mo-99 by aqueous processing of LEU targets will produce these same types of waste streams, but some waste volumes will be larger. Current global Mo-99 suppliers are developing additional capacity to manage these wastes as part of their conversion efforts.

BWXT Medical’s licensing submission to the CNSC references that ‘waste chemicals will be picked up by a licensed waste disposal company for treatment and disposal,’⁵ and non-hazardous waste will be sent to landfill,⁶ while radioactive wastes will be collected and transported to a licenced radioactive waste management facility.⁷

⁴ National Academies of Sciences, Engineering, and Medicine. *Molybdenum-99 for medical imaging*. National Academies Press, 2016.

⁵ BWXT CMD, p 48

⁶ *Ibid*

⁷ BWXT CMD, p 39

For KFN this was an incomplete picture of the movement of BWXT Medical's waste (radioactive and non-radioactive) offsite. While Kebaowek is generally able to view offsite transfers and accompanying emissions for non-radioactive transfers on the National Pollutant Release Inventory for other companies and facilities in Algonquin territory,⁸ an equivalent is not available for radioactive materials.

As mentioned earlier in order to document these transfers, Kebaowek asks the CNSC require the following information so we can understand the current regulatory sufficiency of waste management on our territory. Further, Kebaowek requested this information from BWXT Medical in advance of the licensing hearing and it was not disclosed:

- Substance name
- Units/weight/volume
- Method of disposal and location
- Percentage change in quantity from previous years

The CNSC is obliged to, pursuant to international law conventions Canada has ratified, including international law norms and principles pertaining to human and Indigenous rights that it ensure a licensing procedure that meets these international norms. We note that Canada is a signatory to the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). Article 29.2 of UNDRIP specifically addresses the issue of waste we raise before the CNSC, as it requires that; "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."

In this instance, consent has not been sought and nor has the information been provided such that we can make an *informed* decision on the new and existing waste streams accompanying the Nordion/BWXT Medical facility. Thus, the licensing proceeding is non-compliant with international law conventions, principles and norms.

5. COMMUNITY KNOWLEDGE

Community knowledge is also a necessary regulatory oversight component that is not integrated into the ROR report.

TEK is based on holistic and integrated understandings of ecosystems as

⁸ See the NPRI's site profile for Nordion, online: https://pollution-waste.canada.ca/national-release-inventory/archives/index.cfm?do=substance_details&lang=En&opt_npri_id=0000002247&opt_cas_number=NA%20-%2008&opt_report_year=2017

complex interdependencies. It is sensitive to imbalances in local environments, and is used to monitor indicators of ecosystem health. Again, this deeply rooted orientation to the environment is compatible with changes in specific uses of the land, so long as the changes do not significantly threaten sustainability and renewability. KFN raises concerns that CNSC regulatory oversight is not in concert with these traditional understandings as well as with contemporary environmental science.

6. CONSULTATION RESOURCES

If KFN and other Algonquin Anishinaabeg First Nations are going to establish a legitimate consultation and review processes over its territory that engages the Algonquin as assessors of projects, not simply passive participants, there needs to be an adequate transfer to resources from both the regulator and the proponent.

Participant funding needs to be increased to allow meaningful Aboriginal participation in CNSC licensing reviews.

KFN requires sufficient financial resources to build capacity to undertake nuclear project reviews properly. KFN requires increased funding as KFN takes on increased responsibility.

CONCLUSION

Moving forward KFN insists that ethical frameworks for consultation and nuclear waste management for nuclear facilities on our lands be worked out in a nation-to-nation fashion. This request must be construed in a manner consistent with Canadian Constitutional obligations to consult our First Nation community and evolving provisions of the United Nations Declaration on the Rights of Indigenous Peoples Canada Act 2021. Therefore, the Ministry of National Resources Canada (NRCAN) shall also consult First Nation communities separately if the circumstances so warrant.

KFN remains committed to develop a mutually agreeable consultation process with regard to CNSC –led regulatory processes of interest to KFN. KFN remains committed to consultation framework agreements with uranium and nuclear substance process facilities on Unceded KFN rights and title lands.

This submission provides a number of forward looking recommendations and conditions regarding the uranium and nuclear processing facilities operations affecting Algonquin Anishinaabeg lands and waters as outlined in 2021 ROR. We await our further discussion of these subjects and our recommendations in the upcoming December 2022 ROR Commission hearing.