

Review of CNSC REGDOC 1.1.4 Summary Manitoba Métis Federation

February 28, 2025

What is REGDOC 1.1.4?

REGDOC 1.1.4 guides applications for the decommissioning (closing) of Class 1 nuclear reactor facilities (facilities that handle, process or store large quantities of nuclear substances) in Canada. **REGDOC 1.1.4** aims to simplify the application process, while ensuring that its standards are followed. **REGDOC 1.1.1** includes standards for effective communication with those who might be affected by nuclear facilities, including Indigenous communities.

Safety and Compliance Areas (SCAs)

When the CNSC is reviewing an application to decommission a reactor facility, they look at information about 14 Safety and Compliance Areas (SCAs):

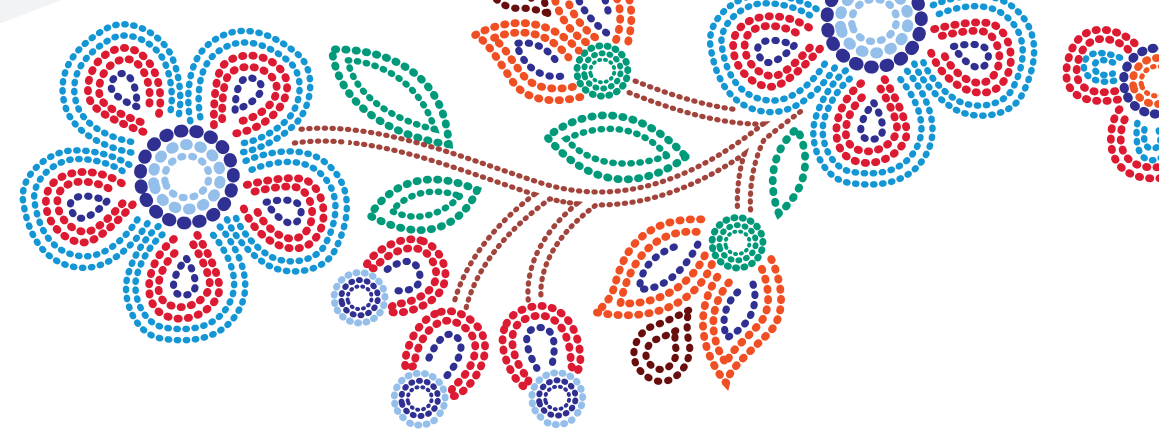
- ∞ Management System
- ∞ Human Performance Management
- ∞ Operating Performance
- ∞ Safety Analysis
- ∞ Physical Design
- ∞ Fitness for Service
- ∞ Radiation Protection
- ∞ Conventional Health and Safety
- ∞ Environmental Protection
- ∞ Emergency Management and Fire Protection
- ∞ Waste Management
- ∞ Security
- ∞ Safeguards and Non-proliferation
- ∞ Packaging and Transport

****All Class 1 nuclear facilities in Canada report on these SCAs.***

The CNSC checks their reports yearly through the Regulatory Oversight Review (ROR) process, and develops an annual report on the state of CNSC regulated industries. The SCAs in the list above describe potential effects (*positive and negative*) and mitigations (ways to reduce negative effects) related to nuclear facilities.



The overall goal is to reduce impacts on the environment, public health and safety, society, and Indigenous Rights.



REGDOC 1.1.4 considers the duty to consult with Indigenous Peoples.

The CNSC is an agent of the Crown and therefore must consult and accommodate the MMF. The CNSC directs applicants requesting to close a nuclear facility to REGDOC 3.2.2 Indigenous Engagement within the REGDOC 1.1.4, and does not provide any direction within the REGDOC 1.1.4.

When applicants follow the regulations in **REGDOC 1.1.4** and REGDOC 3.2.2, for a licence to decommission a reactor facility, they must identify the need to engage with the MMF as an indigenous nation. Applicants must develop an Aboriginal Engagement Report containing:

- 01 | ▶ A list of groups identified for engagement
- 02 | ▶ A summary of engagement activities conducted to date
- 03 | ▶ A description of planned engagement activities
- 04 | ▶ Proposed schedule for interim reporting to the CNSC

As part of an application process, the CNSC must do an assessment of the duty to consult. If the CNSC identifies that the MMF requires consultation but was not identified by the applicant, the CNSC will coordinate with the applicant on a plan to complete engagement and consultation.

The CNSC will provide the MMF with the following information:

- ∞ The activity described in the licence application
- ∞ The proposed scope of consultation activities
- ∞ The regulatory review process to be followed
- ∞ CNSC contact information

**Through consultation with the MMF during the licencing process, the CNSC may make changes to consultation activities as needed.*

The decisions that the CNSC makes about closing nuclear facilities affects Red River Métis Citizens.

 Recently, the MMF has discussed the closure of Whiteshell Laboratories with the CNSC, Atomic Energy Canada Limited (AECL), and Canadian Nuclear Laboratories (CNL). The Whiteshell facility is located in the heart of the National Homeland of the Red River Métis. **The MMF is working to make sure** that the rights, interests, and values, as well as the concerns of the Red River Métis are addressed in the plan to close the facility.

CONCERS AND OPPORTUNITIES

Overall, the MMF sees the review of **REGDOC 1.1.4** as an opportunity. Updates to this document mean that the MMF will be able to provide better guidance on consultation and engagement with the Red River Métis.

The review is also an opportunity to include Red River Métis Knowledge into plans to close nuclear reactor facilities. However, the MMF does have concerns about **REGDOC 1.1.4** and the related REGDOC 3.2.2. These concerns need to be addressed by the CNSC through updates to regulations.

CONCERS

The MMF identified these concerns after reviewing **REGDOC 1.1.4**:

- ∞ **REGDOC 1.1.4** consistently uses neutral words such as “should” or “may.” This could lead to applicants ignoring the specific needs of the Red River Métis. Similarly, **REGDOC 1.1.4** does not include detailed guidance on considering the unique needs of each Métis, First Nation, or Inuit communities when working with them. This includes assessing potential impacts on rights, claims, and interests.
- ∞ This guide does not define key moments for consultation with the MMF during the decommissioning (closure) phase. Also, guidance on consultation and engagement should be the same in both documents: recommendations made within **REGDOC 1.1.4** should also apply to REGDOC 3.2.2.
- ∞ **REGDOC 1.1.4** does not explain (for applicants) how to consider the unique, specific needs of each Indigenous nation when discussing rights and interests related to nuclear facility closures.

OPPORTUNITIES

The MMF identified opportunities for consultation and engagement on nuclear reactor facility decommissioning:

- ∞ A key opportunity is to expand consultation and engagement beyond existing Section 35 rights, claims, and interests. The MMF will encourage the CNSC to provide clear guidelines for engagement and consultation. Making sure that the MMF has copies of all related documents and information is an important first step.
- ∞ The CNSC should direct proponents planning nuclear facility closures to work with the MMF to develop a plan for engagement, consultation, and partnership. The plan should align with MMF Resolution No. 8. this will help both the MMF and the Proponent to understand benefits and impacts on rights, claims, and interests.
- ∞ Working together on a plan for engagement and partnership will help, in the future, to address the MMF’s concerns about all nuclear facilities in the National Homeland of the Red River Métis, rather than working project-by-project.