



**Written submission from the
Nuclear Transparency Project**

**Mémoire de
Nuclear Transparency Project**

In the Matter of the

À l'égard de la

**New Brunswick Power Corporation,
Point Lepreau Nuclear Generating Station**

**Société d'Énergie du Nouveau-Brunswick,
centrale nucléaire de Point Lepreau**

Application for the renewal of NB Power's
licence for the Point Lepreau Nuclear
Generating Station

Demande de renouvellement du permis
d'Énergie NB pour la centrale nucléaire de
Point Lepreau

**Commission Public Hearing
Part 2**

**Audience publique de la Commission
Partie 2**

May 11 and 12, 2022

11 et 12 mai 2022



nuclear
transparency
project

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Submitted via the CNSC Online Participation Request Form and email

March 28, 2022

To President Velshi and Members of the Canadian Nuclear Safety Commission,

Re: NB Power's licence renewal application for Point Lepreau Nuclear Generating Station

We would like to begin by thanking the Commission for this opportunity to provide comments on this relicensing application. We would also like to recognize the efforts of CNSC staff, multiple Canadian civil society organizations, and Indigenous Nations for their informative publicly available materials and submissions on this matter.

The Nuclear Transparency Project (NTP) was established in 2020 as a Canadian-registered non-profit organization dedicated to supporting and facilitating informed, holistic, and equitable public discussion about nuclear energy. We submit the following comments for your consideration with the hope that they may contribute to your deliberations concerning an appropriate licensing term for Point Lepreau.

We are deeply concerned about the potential for a 25-year licence term (as requested by NB Power) or a 20-year licence term (as recommended by CNSC staff). NTP strongly believes in frequent public hearings as a cornerstone of nuclear transparency. As such, **the organization recommends a return to a five-year licence term for the facility.**

Years ago, when relicensing hearings first started to introduce extended 10-year licence terms for CNSC-regulated nuclear facilities (as opposed to the usual two to five-year terms that preceded them), civil society organizations unanimously opposed this trend, and have continued to do so consistently since then.¹

¹ For an overview of concerns over less frequent licence hearings, see for example: Lake Ontario Waterkeeper and Ottawa Riverkeeper, Written Submission in the Matter of SRB Technologies, 15-H5.2, online (by request): http://nuclearsafety.gc.ca/eng/the-commission/hearings/documents_browse/results.cfm?dt=14-May-2015&yr=2015&pedisable=true. For concerns relating to licenses and democratic process, see for example: Greenpeace Canada, Oral Presentation In the Matter of Bruce Power Inc. – Bruce A and B Nuclear Generating

CNSC staff have regular contact with licensees between licence renewal proceedings to inspect facilities, verify compliance with regulations and licence terms, and amend Licence Condition Handbooks as required. Whereas civil society organizations have few supported opportunities to engage with licensees or CNSC staff on matters of regulatory oversight. Licensing and relicensing hearings are the most procedurally robust mechanism for this kind of public engagement and offer the most capacity support (including access to information and funding).²

There are currently no substitute processes for these licensing and relicensing hearings. Public interest organizations have long stressed that Regulatory Oversight Report (ROR) meetings cannot compare procedurally with facility-specific licensing or relicensing hearings, held in the local host communities. Further, in recent years, civil society organizations have generally not been invited or permitted to make oral submissions before the Commission during ROR hearings. As such, licensing and relicensing hearings remain the best potential opportunities for members of the public and public interest organizations to engage in two-way dialogue with nuclear licensees and the regulator. Finally, the future of ROR proceedings are currently uncertain as there is an ongoing regulatory review process under which they may potentially be redesigned.³

Proactive public disclosure of periodic regulatory reports (such as Probabilistic Safety Assessments, Environmental Risk Assessments, Preliminary Decommissioning Plans and other) do not provide for supported avenues for public feedback, nor can they facilitate structured two-way communication between the public, regulators, and licensees. As such, like ROR proceedings, they should not be considered adequate alternatives to licensing and relicensing hearings.

CNSC staff argue that “regulatory oversight is completely independent of the licensing term”,⁴ and that relicensing is more of an administrative matter than a safety one. Even if this were the case, the ‘administrative matters’ in this scenario are of critical importance and relate to public engagement and transparency. Members of the public spent years advocating for these engagement opportunities in the late 1960s – and in many respects, Canada’s current regulatory process constitutes an international high water mark for government-supported public participation in nuclear regulatory activities. Moving to 20 or 25-year licence periods threatens to undo all this good work. Furthermore, NTP is not convinced by CNSC staff’s argument that public participation in regulatory proceedings has no potential to improve safety or other control area performance standards. The CNSC’s own Participant Funding Program recognizes members of the public can provide particular expertise and value-added information to assist

Station, CMD 18-H4.99, online: <http://www.nuclearsafety.gc.ca/eng/the-commission/hearings/cmd/pdf/CMD18/CMD18-H4-99.pdf>, p 2.

² NTP recognizes Indigenous Nations have their own preferences and requirements with regard to engagement and nuclear decision-making. NTP supports Nations’ inherent rights to determine the nature and extent of these processes for themselves.

³ Canadian Nuclear Safety Commission: Regulatory Oversight Report Review, Discussion Paper, April 2021, online: https://www.nuclearsafety.gc.ca/eng/pdfs/Discussion-Papers/21-01/Discussion_Paper_DIS-21-01_The_Canadian_Nuclear_Safety_Commission_Regulatory_Oversight_Report_Review.pdf.

⁴ CNSC Staff CMD, 22-H2, A Licence Renewal for New Brunswick Power Corporation – Point Lepreau Nuclear Generating Station, December 22, 2021, online: <https://www.nuclearsafety.gc.ca/eng/the-commission/hearings/cmd/pdf/CMD22/CMD22-H2.pdf> at p 13.

Commissioners in their decision-making duties. Further, the Commissioners do from time to time adopt recommendations from members of the public to improve nuclear facilities' performance. As such, licensing and relicensing hearings offer the potential for mutually beneficial exchanges of information and expertise between licensees, regulators, and members of the public and public interest organizations.

Finally, the reference made by CNSC staff to international relicensing terms⁵ should be viewed with a critical eye. This chart is not accompanied by any rationales that underpin other jurisdictions' licensing time frames. Nor is there any accompanying analysis of the comparative rigour or those other licensing proceedings, or any regulatory alternatives for public engagement that may accompany or otherwise supplement licensing processes in those countries. As such, there is insufficient information presented by CNSC staff in their submission that can speak to the desirability of conformity with other countries that may have longer licensing periods.

Thank you for your consideration of these submissions. We look forward to tuning into the live webcast for the Part Two hearings for this matter in mid-May.

Sincerely,

A handwritten signature in black ink, appearing to read "Pippa Feinstein". The signature is fluid and cursive, with a large initial "P" and "F".

Pippa Feinstein, JD, LLM
Founder and Coordinator
Nuclear Transparency Project

⁵ *Ibid* at p 14.