



Canadian Nuclear  
Safety Commission

Commission canadienne  
de sûreté nucléaire

CMD 22-M34.5

Date: 2022-09-16

File / dossier : 6.02.04

Edocs pdf : 6874572

**Written submission from the  
Nuclear Transparency Project**

**Mémoire du  
Nuclear Transparency Project**

**Regulatory Oversight Report for  
Canadian Nuclear Power Generating  
Sites in Canada: 2021**

---

**Rapport de surveillance  
réglementaire des sites de centrales  
nucléaires au Canada : 2021**

---

Commission Meeting

Réunion de la Commission

November 3, 2022

Le 3 novembre 2022



nuclear  
transparency  
project

Website: [www.nucleartransparency.ca](http://www.nucleartransparency.ca)  
Email: [info@nucleartransparency.ca](mailto:info@nucleartransparency.ca)

Submitted via email

September 16, 2022

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

Re: Canadian Nuclear Safety Commission Staff's Regulatory Oversight Report  
on Nuclear Generating Facilities in Canada: 2021

We would like to begin by thanking the Commission for this opportunity to provide comments on this Regulatory Oversight Report (ROR). We would also like to recognize the efforts of Canadian Nuclear Safety Commission (CNSC) staff, multiple Canadian civil society organizations, and Indigenous Nations for their informative publicly available materials and submissions on this matter.

#### About NTP

The Nuclear Transparency Project (NTP) is a Canadian-registered not-for-profit organization dedicated to supporting open, informed, and equitable public discourse on nuclear technologies. NTP advocates for robust public access to data and other types of information and helps to produce accessible analysis of publicly available information, all with a view to supporting greater transparency in the Canadian nuclear sector.

NTP is comprised of a multi-disciplinary group of experts working to examine the economic, ecological, and social facets and impacts of the Canadian nuclear sector. The organization produces public reports, academic articles, and other publicly accessible resources. It also regularly intervenes in nuclear regulatory decision-making processes. The organization seeks to support youth and early career scholars, especially those from underrepresented communities in their respective disciplines. NTP also recognizes a responsibility to model the transparency and accountability practices for which it advocates. We are committed to interdisciplinary, cross-sectoral, and equitable collaborations and dialogue between regulators, industry, civil society, members of host and potential host communities, as well as academics and professionals from science, technology, engineering and math (STEM) fields, the social sciences, and humanities.

## About this intervention

NTP's intervention was made possible by CNSC funding through its Participant Funding Program (PFP). These submissions were drafted by NTP founder and coordinator Pippa Feinstein, JD LLM in collaboration with hydrogeologist Ekaterina Markelova, PhD and Alan Rial, M. Eng. who performed NTP's data analysis.

Our submissions have been divided into three parts: the first part contains a review of the current ROR; the second part contains more general findings and recommendations relating to publicly accessible data on which this ROR relies as part of its evidentiary basis; and a third part which contains recommendations to improve the ROR intervention process for future ROR meeting proceedings.

## PART ONE: NTP's review of the ROR

There are several areas in which it appears CNSC staff have taken past intervenor feedback into account and prepared a more responsive ROR. The report is written in an accessible way with helpful use of hyperlinks. It also includes additional graphics which are appreciated (especially the diagrams of the geographical location of nuclear generating facilities<sup>1</sup> and the operating status of all reactors at each facility<sup>2</sup>).

The ROR includes references to environmental data accessible via hyperlink to the Open Government Portal and the Independent Environmental Monitoring Program (IEMP). CNSC staff explain "[t]his data adds to the body of evidence and supports CNSC staff's assessment that the public and the environment in the vicinity of nuclear power generating stations are protected and that the licensees' environmental programs are effective".<sup>3</sup> Public access to data is a cornerstone of transparency, and environmental data is an important piece of this. While NTP applauds CNSC staff's recognition of environmental data in its ROR, more publicly-accessible data is still required to support CNSC staff's assertions that facilities' environmental programs are sufficient. NTP's more detailed analysis of this data and accompanying recommendations for improvement can be found in part two of this submission below.

## PART TWO: NTP's review of publicly accessible data for generating facilities

NTP experts reviewed the CNSC website, all nuclear generating facilities' websites, the Open Government Portal radionuclide release data for nuclear generating sites, and the IEMP webpages. NTP's experts assessed the type, frequency, and quality of data disclosed on all these platforms and began to identify potential data gaps and inconsistencies.

---

<sup>1</sup> Regulatory Oversight Report got Canadian Nuclear Power Generating Sites for 20021, CMD 22-M34, 18 July 2022, at p 4.

<sup>2</sup> *Ibid* at p 6

<sup>3</sup> *Ibid* at p 34.

OPG posts its Annual Compliance Reports and annual Groundwater Monitoring Reports to its website for all its facilities. Data provided in the most recent Groundwater Monitoring Report was machine-readable. NTP recommends that Point Lepreau, Bruce, and Gently-II facilities do the same, and that all licensees release their data in machine-readable formats.

*Recommendation 1: that Point Lepreau, Bruce, and Gently-II facilities post their Annual Compliance Reports and Groundwater Monitoring Reports on their websites.*

*Recommendation 2: that all data in licensees' regulatory compliance and environmental monitoring reports be made machine-readable.*

Currently, data released by licensees in their environmental monitoring reports is not easily comparable between facilities. The process required to convert available data into formats that allow for comparison is time consuming and introduces the possibility of human error. NTP encourages CNSC staff to standardize the way data is reported by all licensees so that multiple facilities' operations can be more easily (and automatically) compared. NTP is happy to assist with this process and will follow up with CNSC staff on this item.

*Recommendation 3: that CNSC staff oversee greater standardization of licensees' reported data*

The ROR notes Business Contingency Plans were required of licensees to ensure quality of operations over course of Covid.<sup>4</sup> It remains unclear whether this includes environmental monitoring activities. Over the course of the pandemic, NTP's experts noticed monitoring of some pathways (groundwater in particular) was conducted less frequently. If BCPs did include references to environmental monitoring, NTP requests this be publicly disclosed. If licensees have developed any "lessons learned" with relation to environmental monitoring during the pandemic, NTP requests these be publicly disclosed. If BCPs do not include reference to environmental monitoring and/or if there have been no "lessons learned" documents drafted with regard to environmental monitoring during the pandemic, NTP encourages such reflections to be undertaken and made publicly accessible by licensees.

*Recommendation 4: that licensees publicly disclose any lessons learned from the Covid pandemic that will help ensure any future disruptions will be less likely to impact the frequency of environmental monitoring.*

OPG has GIS portals on which select groundwater monitoring wells are shown with averaged sampling results. The selection process that determines which wells and values are reported remains unclear. Further, GIS locations are not easily linked to data results, and historical data is not provided to show trends in contamination over time. The result is that the GIS tools are not very useful to those with experience reading these kinds of

---

<sup>4</sup> *Ibid* at p 11.

datasets, and are potentially misleading to members of the public who may not have experience with this kind of data. As more data is ultimately shared with the public, and as licensees begin to develop creative ways to meet their data disclosure requirements, it is crucial that information is provided in a clear, accurate, and accountable way. CNSC regulation must help guide this moving forward. NTP is also happy to assist with this process and will follow up the CNSC staff on this item.

*Recommendation 5: that CNSC staff work to oversee licensee's data visualization resources and review them for accuracy and completeness*

NTP is still in the process of consulting with CNSC staff about the radionuclide release data currently posted to the Open Government Portal. In order to avoid any potential misrepresentations of this data, we will not provide full summaries of preliminary queries and findings at this time. However, NTP does recommend that groundwater and stormwater data should be added to the Open Government Portal.

*Recommendation 6: that groundwater and stormwater data be disclosed via the Open Government Portal*

Further, specific baselines, relevant Derived Release Limits, and Action Levels should be posted in separate columns in data reported on the Open Government Portal. This allows for a better contextualized reading of reported data by members of the public and public interest organizations.

*Recommendation 7: specific baselines, relevant Derived Release Limits, and Action Levels should be posted in separate columns in data reported on the Open Government Portal.*

### PART THREE: NTP's recommendations for future ROR intervention processes

Intervention timelines are very short and do not allow sufficient time for intervenors to request and obtain information from CNSC staff and licensees. Currently, PFP applications are due in the Spring, decisions are made late summer, and interventions are due in early Autumn. This effectively means members of the public and public interest organizations must undertake their work with little notice over the summer holidays and busy back-to-school season. This can pose a barrier for intervenors with family care responsibilities, those who work in schools and universities, and others. Funding decisions are usually determined before RORs are publicly released. As such, they are not dependent on ROR publication timelines and should be scheduled earlier in the year (with little inconvenience to the Commission) in order to allow organizations to better plan for their work and ensure CNSC staff and licensees have more time to respond to intervenors' information requests.

*Recommendation 8: that the CNSC increase the amount of time intervenors have to prepare their written submissions.*

The Commission should reinstitute opportunities for intervenors to present their interventions, ask and answer questions before the Commission on the record during meeting proceedings. This opportunity can be extended for virtual attendance only and thus not require the CNSC to cover any travel costs associated with in-person attendance. With relicensing hearings on a 10-year basis for most facilities, Commission meetings are a particularly important avenue for the public to engage with Commissioners.

*Recommendation 9: that the CNSC Registry and Commissioners allow intervenors to virtually attend and present at future ROR meetings.*

More transparency is required around the criteria being used to determine who receives funding, how much each intervenor receives, and what kinds of analysis are ultimately funded over others. Funding is a key factor that determines who can intervene, and by extension, which questions and issues are ultimately brought to the Commission. The way “value added” contributions and “expertise” are defined effectively works to scope (in part) the content that can be addressed during Commission meetings. While general guidance is provided to interested members of the public and public interest organizations in the CNSC’s Participant Funding Program Guide<sup>5</sup> and eligibility criteria<sup>6</sup>, both these materials are silent on the intersection between funding and the substantive scope of Commission proceedings. NTP encourages the development of more specific funding criteria, in consultation with members of the public and public interest organizations.

*Recommendation 10: that the CNSC’s PFP develop more specific intervenor funding criteria, in consultation with members of the public and public interest organizations.*

---

<sup>5</sup> CNSC, “Participant Funding Guide”, online: <http://www.nuclearsafety.gc.ca/eng/pdfs/participant-funding-program/CNSC-Participant-Funding-Guide-eng.pdf>.

<sup>6</sup> CNSC, “Eligibility Criteria”, online: <http://www.nuclearsafety.gc.ca/eng/the-commission/participant-funding-program/eligibility-criteria.cfm>.