



CMD 25-H2.21B

Date: 2025-06-04

Supplementary Information

Written Submission from Dr. Frank Greening

In the matter of the

Ontario Power Generation Inc.

Application to renew power reactor
operating licence for the Darlington Nuclear
Generating Station

Commission Public Hearing Part-2

June 24-26, 2025

Renseignements supplémentaires

Mémoire de Dr. Frank Greening

À l'égard d'

Ontario Power Generation Inc.

Demande concernant le renouvellement
du permis d'exploitation d'un réacteur de
puissance pour la centrale nucléaire de
Darlington

Audience publique de la Commission Partie-2

24-26 juin 2025

From: Frank Greening
Sent: June 4, 2025 9:48 AM
To: Tremblay, Pierre; Viktorov, Alexandre; Salmon, Candace; Thiele, Lisa
Cc: Interventions / Interventions (CNSC/CCSN)
Subject: Request for a Ruling

EXTERNAL EMAIL – USE CAUTION / COURRIEL EXTERNE – FAITES PREUVE DE PRUDENCE

President Tremblay:

This email concerns the upcoming, June 2025, Canadian Nuclear Safety Commission public hearing to decide whether to renew the operating license for the Darlington Nuclear Generating Station. Most unfortunately, I believe the hearing process already appears compromised. Indeed, a deeply concerning situation is unfolding—one that threatens the integrity of regulatory oversight and, ultimately, the health and safety of Canadians.

In view of this situation, I wish to invoke my right under Section 20 (3) of the CNSC Rules of Procedure, that states:

At any time during the public hearing, a participant may make an oral request to the Commission for a ruling on a particular issue by explaining the issue and the reasons for the ruling that is sought.

By this email, I am informing the CNSC of my intention to make an oral declaration at the June Public Hearing on relicensing Darlington NGS, of the complaint described in this email concerning the interventions by the five parties listed below—a complaint which I request be written into the Tribunal Official Record:

Aecon Group: CMD 25-H2.52

AtkinsRéalis (formerly SNC-Lavalin): CMD 25 H2.42

Black & McDonald: CMD 25-H2.11

BWXT Canada: CMD 25-H2.9

E.S. Fox: CMD 25-H2.40

So, please allow me to explain the issue I wish to address and the reasons for the ruling that I seek.

At the heart of the matter of my complaint is how the CNSC defines and permits “interveners”—those individuals, communities, or organizations that are allowed to formally participate in hearings. Interveners are meant to voice concerns that might be overlooked in the licensee’s application, especially those related to environmental, health, and safety impacts. According to the Canadian Bar Association, interventions should offer “a fresh perspective” and not merely echo the arguments of the project proponent.

But that principle appears to be getting turned on its head. For the Darlington hearings, the CNSC has approved as interveners several large nuclear engineering corporations that stand to make substantial profits if Ontario Power Generation (OPG) receives its license renewal. These companies include industry giants such as Aecon Group, AtkinsRéalis (formerly SNC-Lavalin), Black & McDonald, BWXT Canada, and E.S. Fox, as noted above. These companies already hold major contracts with OPG for refurbishment and ongoing maintenance work at Darlington. By allowing them to “intervene,” the CNSC is giving private corporations, with direct financial interests, equal footing with public advocates, concerned citizens, and indigenous communities—many of whom are rightly worried about the risks of nuclear operations.

This is more than a technical oversight. It is a violation of the spirit, if not the letter, of the Canadian Conflict of Interest Act. That Act, passed in 2007, defines a conflict of interest as occurring when a public office holder – such as a member of the CNSC’s staff – exercises an official power in a way that furthers private interests. It also requires public officials to recuse themselves from any discussion or decision where such a conflict exists.

By allowing financially interested corporations to intervene in a process designed to protect public health and safety, the CNSC is effectively enabling these entities to influence the very decision from which they stand to benefit. Why do I say this? Because approval of OPG’s licence to operate Darlington NGS automatically results in millions of dollars of contract revenues to these private corporations. This raises profound ethical concerns. It also risks eroding public trust in Canada’s nuclear regulator at a time when transparency and accountability are paramount.

Supporters of the current process may argue that these companies bring “expertise” and “technical insight” to the table. But that argument ignores the fundamental definition of an intervention: an intervenor is meant to challenge, not to promote. If private companies want to support OPG’s relicensing bid, they are free to do so—through media campaigns, sponsored events, corporate reports, or any number of promotional tools. The public hearing process, however, should be a space where the interests of ordinary Canadians—those who live near Darlington, who drink the water, breathe the air, and rely on safe public infrastructure—are prioritized, not drowned out by well-funded corporate voices.

It is worth noting that the five nuclear industry intervenors – those that I am asking to be rejected by the CNSC – all make glowing assessments of Darlington’s safety record in their written interventions. However, several external auditors’ reports paint an entirely different picture of the management of the safety of Darlington’s refurbishment operations, as in the examples presented below:

- *OPG’s Project Management ranks are filled with inexperienced personnel who need guidance. OPG needs to recognize that the Project Management organization urgently needs qualified people to fill significant management positions.*
- *Risk management was not taken seriously by the Project Management organization; thus, many of the problems that have emerged were hidden below the surface.*
- *OPG needs to reconsider the scope of the work given to the refurbishment project vendors in light of their current poor performance.*
- *The contractors did not provide effective training to staff on safety standards in a nuclear generating station in spite of the fact that many of the supervisory staff came from a non-nuclear construction background.*

– OPG has not met its safety targets and has not taken effective action to reduce the recurrence of preventable safety incidents on the project.

– The Radioactive Waste Processing Building's construction was undertaken as a pre-requisite to completing reactor refurbishment operations. However, this work has been impacted by the unexpected discovery that excavated soil is contaminated. The project was awarded on the basis that the soil and ground water were free of contamination, an assumption that proved to be incorrect. Thus, soil testing has revealed the presence of tritium above acceptable levels.

Thus, it is clear that claims of an exemplary safety record on the part of OPG during Darlington refurbishment operations –claims made by the five nuclear engineering companies noted above –are simply not supported by the conclusions of independent auditor reports.

In considering the acceptability of an intervenor, the CNSC should ask the simple question: Cui bono? (Who benefits?) And if the answer is private interests the intervention must be rejected. After all, the CNSC's core mandate is to protect the health and safety of the public and the local environment from the risks associated with nuclear energy. The CNSC is not a trade association, nor is it a facilitator of commercial projects and partnerships. Its hearings should not be manipulated into marketing platforms for companies with vested interests.

It is time for the CNSC to re-evaluate its approach to public hearings, starting with Darlington. True public engagement means listening to citizens, including scientists and health experts, indigenous communities, environmental advocates, and local governments. Their input must not be treated as equal to, but elevated above that of corporations which view nuclear safety as a side issue.

At a minimum, the CNSC should disqualify all corporate entities from intervening in the Darlington relicensing hearings – especially those with direct financial stakes in the future operation of Darlington NGS. It must also clarify its criteria for legitimate interventions in future proceedings, in line with its legal and ethical obligations. Simply put: The hearings should represent public, not private interests.

Canada deserves a nuclear regulator that is beyond reproach—transparent, independent, and committed to the public good. Anything less risks not only regulatory capture - real or perceived - but also a failure of governance in one of the most high-stakes sectors of our energy infrastructure.

The CNSC still has time to correct course. But doing so will require courage, leadership, and a renewed commitment to what should always be its guiding principle: public health and safety above all else.

Dr. F. R. Greening
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