

NORTHWATCH

July 11, 2025

Bruce C Nuclear Project
Impact Assessment Agency of Canada
160 Elgin Street, 22nd floor.
Ottawa, Ontario K1A 0H3

IAA Reference # 88771

Comments on the Public Participation Plan for the Bruce C Nuclear Project Review

In the Agency's June 12th announcement of the 30-day comment period on the draft Integrated Tailored Impact Statement Guidelines and the draft Public Participation Plan, the public was invited to comment on those two draft documents. Our comments on the guidelines are provided under separate cover, as are our brief comments on a Draft Indigenous Engagement and Partnership Plan.

Public Participation Plan

We have reviewed the draft public participation plan and offer the following comments, suggestions, and / or requests for changes or additions to the final public participation plan:

- The revised public participation plan should clearly set out the various steps and public comment opportunities in the impact statement and impact assessment phases of the review, including the comment period on the Terms of Reference and the comment period on the draft impact statement
- We are concerned that the Panel is not appointed and involved early enough to be part of determining whether the impact statement contains all the required information and studies, which the Agency has described as the responsibility of the IAAC and CNSC
- We request that the public role in the review of the draft impact statement be clearly set out in the public participation plan, including a description of the purpose of that review (i.e. to determine whether the draft impact statement conforms with and fulfills the direction and requirements set out in the final integrated tailored impact statement guidelines).
- We appreciate that there will be a comment period on the Terms of Reference for the Review Panel; this should be clearly set out in the public participation plan, including a description of the purpose of that review
- We are concerned to read in the Agency response to our questions that the review panel may have a comment period on the draft public hearing procedures; the public participation plan should clearly set out that there will be a comment period on the draft public hearing procedures
- We request that the public participation plan also clearly set out that there will be a process for submitting written questions to the proponent about the project as described in the impact statement; while this has happened through the panel in past proceedings (for



example, in the CEAA review and hearing on Ontario Power Generation's now-withdrawn proposal for a deep geological repository for low and intermediate level radioactive waste beneath the Bruce Nuclear Generating Station) given a number of factors including that the Panel is not going to be appointed until approximately the same time as the final impact statement is submitted we propose that the process be interrogatory style and submitted directly to the proponent for response (similar to the interrogatory process for Ontario Environmental Assessment Act or Ontario Energy Board hearings)

Appointment of Panel Members for the Bruce C Review Hearing

The current Impact Assessment Agency roster for panel members includes senior staff of a nuclear company that is itself in an impact assessment process for a nuclear project, namely Lauri Swami, President and CEO of the Nuclear Waste Management Organization. The NWMO is currently expected to submit its Initial Project Description for a proposed deep geological repository for nuclear fuel waste in late 2025 or early 2026. The NWMO is also the party to *Protocol among Canadian Nuclear Safety Commission, Impact Assessment Agency of Canada, and Nuclear Waste Management Organization* for the conduct of that assessment. Our concern is that Ms. Swami is eligible for cross-appointment for integrated assessments and her appointment to the Bruce C panel would be in a conflict of interest, given the position of the NWMO as a service company to Bruce Power.

We asked the Agency if there are guidelines that would prevent this kind of conflict of interest in panel appointments, and the Agency response indicated that IAAC will appoint the integrated review panel for the Bruce C Nuclear project and that input and feedback on nominations of review panel candidates are welcome and will be considered as part of the selection process. The Agency also indicated that "When selecting the panel members for the project, any known or perceived conflicts will be assessed and considered. Any individual selected for the review panel must be free from bias or conflicts of interest related to the project."

While we appreciate the Agency assurance that the "review panel must be free from bias or conflicts of interest" we would greatly appreciate being provided with the guidelines or rule-set that guards against such conflicts being realized. We welcome the news that input and feedback on nominations of review panel candidates are welcome, but it remains unclear if this will be invited or simply considered if provided.

REQUEST: that the revised public participation plan address these topics in detail, including by incorporating or providing a reference to the guidelines which protect against conflict of interests in panel appointments and clarifying the process through which Indigenous peoples and members of the public will be invited to provide input and feedback on nominations to the review panel for the Bruce C project.

Public Registry

Northwatch also provided comment on the public registry in our submission on the draft guidelines but given the importance of the public registry to the review process – including

the current planning stage – the comments are also provided here, given the important role the public registry serves in enabling public participation.

The Impact Assessment Act¹ provides specific guidance and direction with respect to the public registry and its function and operation, as follows:

Establishment of Registry

Canadian Impact Assessment Registry

104 (1) *There is to be a registry called the Canadian Impact Assessment Registry, consisting of an Internet site and project files.*

Right of access

(2) *The Registry must be operated in a manner that ensures convenient public access to it. That right of access to the Registry is in addition to any right of access provided under any other Act of Parliament.*

(3) *For the purpose of facilitating public access to records included in the Registry, the Agency must ensure that a copy of any of those records is provided in a timely manner on request.*

For purpose of these comments we point to the direction in the Act that “The Registry must be operated in a manner that ensures convenient public access to it” (emphasis added) and set out below the several ways in which the registry fails to meet that direction to “ensure convenient public access”.

Those include:

- There is no means by which a table can be generated by registry users of postings to the registry; previous versions of the registry allowed this, which enabled registry users to generate a table to use for note taking and tracking of registry postings
- There is no means to preview a document before opening it as a pdf file
- All documents are three layers deep, i.e. a user must open the registry page, then select the group of documents to review (e.g. “view comments” or “all records”), then select the record to view, then open the pdf version of the record; the first two steps are reasonable, but the last two steps do not constitute “convenient access”
- The registry section on “Information sessions” includes information only about those sessions which are upcoming and does not identify which sessions have already taken place and does not include links to presentation slides from past sessions (which users would reasonably expect to find there)
- In recent weeks, on some or most occasions, users moving through the registry and reviewing multiple documents are moved back to the starting point after each

¹ Impact Assessment Act, as found at https://www.canlii.org/en/ca/laws/stat/sc-2019-c-28-s-1/latest/sc-2019-c-28-s-1.html?searchUrlHash=AAAAAQAlcmVnaXN0cnkAAAAAQ&offset=7800&highlightEdited=true#sec28subsec2_smoth

document has been opened; this is not the case today, but has been on past occasions

Going forward, Northwatch requests that the Agency address the issues identified above in terms of the Registry function.

In particular, it is very important that the barriers to being able to create a table of registry postings be addressed prior to the review of the draft impact statement and prior to the submission of comments on the impact statement and the commencement of the hearing.

To create efficiencies in the review process and to effectively draw on the expertise and submissions being made by all parties, review participants must be able to effectively and efficiently track and notate registry postings. In its current state, particularly with the inability to generate a table of registry items, the Registry is not amenable to these necessary tasks.

Thank you for your consideration of these comments and concerns. We look forward to seeing them reflected in the final version of the Public Participation Plan and to engaging in the next steps of the review process.

Sincerely,

A handwritten signature in black ink, appearing to read 'Brennain Lloyd', written in a cursive style.

Brennain Lloyd
Northwatch Project Coordinator