



nuclear
transparency
project

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Submitted via email

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To the Impact Assessment Agency decision-makers,

Re: Project proposal for new nuclear generating station at Wesleyville in Port Hope

These comments relate to the initial project description by Ontario Power Generation (OPG) to construct (an as yet unspecified number of) new nuclear reactors, along with supporting infrastructure, in Port Hope. Reactor technologies, site layout, cooling water system designs, and other major aspects of this proposal have yet to be determined. Without these specifics, our comments remain very high-level. We have limited them to address some broad areas where a more robust evidentiary record should be required of the project proponent. We also make several recommendations relating to the current regulatory process for public interventions. But first, we will briefly describe our organization and our interest in the current comment opportunity.

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 who work to examine the economic, ecological, and social facets and impacts of Canadian nuclear energy production. We are committed to interdisciplinary, cross-sectoral, and equitable collaborations and dialogue between regulators, industry, Indigenous nations and communities, civil society, members of host and potential host communities, and academics from a variety of disciplines.

Historically, much existing Canadian nuclear infrastructure was approved by regulators without requiring consultation with, or permission from, Indigenous Peoples. Opportunities for public interventions were limited, if offered at all. And facilities were approved without requiring solid plans for permanent waste management. Operating

against this troubling legacy, proposals to construct new nuclear facilities must be held to a much higher standard. A comprehensive, fair, accessible, and transparent regulatory review procedure is crucial. It is on this basis that NTP offers the comments that follow.

Substantive comments on initial project description

NTP submits the following five points:

1. Employing an environmental justice approach to project impacts

The project impacts (identified benefits, risks, and adverse effects) should be discussed with reference to existing inequalities relating to the benefits and harms of existing industrial development in the region.

NTP recognizes the sovereignty and jurisdiction of the Indigenous Peoples whose lands and waters stand to be impacted by this project proposal. We support their interventions in this matter and recognize them as relevant decision-makers when determining allowable activities by nuclear industry in their territories. NTP also recognizes the applicability of Indigenous laws as part of these nations' governance systems of their homelands on which these facilities operate.

In addition, we recognize that legacy contamination issues from historical nuclear fuel processing activities have persisted in Port Hope for decades. Current remediation efforts, long overdue, are costing billions in public funding while simultaneously exhibiting a lack of transparency with regard to the selection of clean-up locations, clean-up criteria, and their public communication.

OPG's initial project description notes it is the fee simple owner of the land which would site this project, if approved.¹ However, NTP underscores that any claims of land ownership would not extinguish Indigenous jurisdiction, nor does it prove the paramountcy of Canadian law and regulation of the site. NTP would support a formalized decision-making process in which Indigenous Peoples' authority and jurisdiction is observed (as defined by these rights holders) and believes this would be necessary to determine a just outcome of these matters.

2. Data collection and sharing

The initial project description discusses Indigenous land use data collection and protection according to OCAP² principles. Some other sources and types of data are discussed i(though not in much detail) related to potential contaminant pathways and environmental effects. NTP submits that all environmental data that would not fall into the OCAP category and which is collected to inform any findings relating to the proposed

¹ Initial project description at page 22.

² Ownership, Control, Access, and Possession (OCAP) principles developed by the First Nations Information Governance Centre.

project's environmental impacts should be made proactively publicly accessible in machine-readable formats to the public.

The proponent should also submit a plan for public comment outlining measures to ensure the results of routine sampling and environmental assessment follow-up sampling would be made publicly available, should the project be approved. We would also request that the proponent provide opportunities for community input relating to sampling activities including the determination of contaminant parameters and sampling locations.

Finally, energy demand and supply forecast data as well as economic and employment demographic data should similarly be disclosed to the public during this regulatory review process.

3. Addressing equity issues in economic assessments

Any arguments by OPG relating to the potential economic value of the proposed new nuclear facilities should be accompanied by a breakdown of how claimed benefits would be apportioned across multiple demographics in the region.

Discussions of the projected labour force for this project should include a discussion of any initiatives to identify and support the increased employment of people from underrepresented communities. OPG should employ a gender-based analysis + (GBA+) to its project proposal, as well as considerations relating to potential workers' racialization, Indigeneity, disability, gender diversity, formal education level, and socioeconomic status.

4. Evidence relating to the underlying need for, and alternatives to, the project

Jurisdictional issues relating to energy supply mix planning and the current project review should be ironed out early in this review process. In the past, nuclear-related decision makers have preferred not to formally or extensively weigh in on issues relating to underlying needs for new nuclear generating project proposals. Decision-makers often state that matters relating to energy capacity and energy source mixes should be left to provincial governments. However, in practice, the jurisdictional distinctions can get cloudy – especially as the *Impact Assessment Act* requires decision makers to consider evidence related to underlying needs for a proposed project.³

OPG's application references provincial decarbonization efforts and energy forecasts to support its argument for the underlying need for new nuclear generation at Wesleyville.⁴ This portion of the project description also notes that new nuclear was considered alongside green energy options by provincial agencies and authorities. Here, NTP submits that any discussion of energy alternatives should also consider demand-side management which is an often under considered but crucial element of responsible energy planning.

³ *Impact Assessment Act*, S.C. 2019, c. 28, s. 1 at section 22(2)(d).

⁴ Initial project description at pages 7-8.

Further, NTP would like to highlight the lack of formal opportunities for Indigenous Peoples and the wider public to engage with the province on substantive issues related to energy planning. The Ontario government has not consistently convened public hearings to try the evidence upon which its energy plans are based. Further, energy consumption forecasts by provincial bodies have historically tended to overestimate future consumption. This concern should accompany any consideration of the provincial initiatives and plans cited by OPG in their application.

5. Preliminary decommissioning plan

While there is not much specific information related to decommissioning in OPG's project description, NTP recommends that more attention should ultimately be paid to issue of sustainability in OPG's proposed facility design with decommissioning in mind. More specifically, OPG should explain how initial designs and proposed construction materials may take into account the environmental and economic footprint of the facility's eventual decommissioning.

Procedural comments related to the current regulatory review

The limited timeframes and lack of advance participant funding available to review this initial project description has limited our organization's ability to provide more detailed substantive comments.

As a general practice, NTP submits the following procedural recommendations:

1. Time frames for public comments should be at least two, if not three, months to allow for information requests between intervenors and project proponents;
2. Participant funding should be provided in advance of the review process to support the work required to review initial project descriptions and prepare substantive comments relating to the list of issues to guide consideration of project proposals;
3. The time frames for participant funding applications should be at least two, if not three, months to allow for interested members of the public and civil society organizations to create the necessary workplans and make inquiries with potential third-party experts as required; and
4. All notices (whether sent by the IAA, CNSC, or project proponents) should clearly communicate timeframes for public comment and participant funding.⁵

⁵ NTP made similar recommendations in our submission relating to Bruce Power's recent proposal for four new reactors at the Bruce Nuclear site, October 28, 2024, online: <https://registrydocumentsprd.blob.core.windows.net/commentsblob/project-88771/comment-62142/NTP%20comments%20-%20Bruce%20New%20Build%20Proposal.pdf>.