



May 29, 2024

Timothy Berube, Acting President  
Canadian Nuclear Safety Commission  
280 Slater St.  
Ottawa K1P 5S9

By email: [interventions@cnsccsn.gc.ca](mailto:interventions@cnsccsn.gc.ca)

Dear Dr. Berube,

**Re: A public oral/in-person CNSC hearing is required to review any new governance arrangement for the Point Lepreau nuclear reactor on Peskotomuhkati homeland**

Greetings from Peskotomuhkati homeland. The Passamaquoddy Recognition Group Inc (PRGI) is a not-for-profit Indigenous organization representing the Peskotomuhkati Nation in Canada. We represent the interests of Rightsholders and the Peskotomuhkati ecosystem, which includes the Point Lepreau Nuclear Generating Station (PLNGS) and areas that may be affected by it. The nuclear plant is a mere 45 km from our sacred capital, Qonaskamkuk (Saint Andrews), and 47km and 90km respectively from our communities of Sipayik (Pleasant Point) and Motahkomikuk (Indian Township). Our duty is to protect our lands, waters, and environment for all present and future generations.

Recently, we learned through the news media that the Government of New Brunswick introduced legislation on May 15<sup>th</sup>, 2024, that would allow NB Power to enter a joint ownership arrangement with Ontario Power Generation (OPG) for the Point Lepreau nuclear reactor. Any new owner will have legal rights and responsibilities, and these will require considerable clarification.

This proposed change seems to be one of many the Government of New Brunswick has lined up to fulfill their new energy strategy released in December 2023, *Powering Our Economy and the World with Clean Energy | Our Path Forward to 2035*. Of note for the CNSC, is that the New Brunswick energy strategy declares that the Point Lepreau reactor will undergo licence “renewals every 10 years<sup>1</sup>.” This statement assumes that the 10-year license length is now a

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<sup>1</sup> Pg 14 Powering Our Economy and the World with Clean Energy | Our Path Forward To 2035

forgone conclusion rather than a matter for future CNSC review and decision. This assumption was one of our concerns in the CNSC 2022 re-licencing process for PLNGS.

We are already affected by the impacts of the proposed change in licence holder, spending considerable time in internal discussions, questioning the possible repercussions. We are very concerned that a potential new ownership arrangement is being proposed at the same time as a CNSC *License to Prepare Site* application is under review for the proposed ARC-100 reactor. In addition, a New Brunswick Environmental Impact Assessment is also ongoing for the proposed ARC-100 reactor; the application documents thus far do not mention the potential ownership change for the existing CANDU reactor at the site.

We are already dismayed that the application to site the proposed ARC-100 at the Point Lepreau is not subject to review under the *Impact Assessment Act*, as outlined in our support for two requests to designate by project for an IA to the Minister of Environment and Climate Change Canada in 2022 and 2023. Unlike the provincial Environmental Impact Assessment now underway, a federal IA would have allowed for a review of the impacts of the project outside of New Brunswick, such as joint ownership of the existing reactor by OPG. The proposed changes to the *Electricity Act* raise the possibility of additional complexity for any new reactors on the Point Lepreau site.

In our tradition, authority is always accompanied by responsibility, and rights are accompanied by obligations. We already have many questions about any new governance arrangement for the Point Lepreau reactor, including, but not limited to:

- How will a new joint ownership entity fulfill its Indigenous consultation obligations?
- Will PRGI have any say about these arrangements?
- How will a joint ownership arrangement for the existing CANDU reactor impact any new reactors on the Point Lepreau site?
- What will OPG's responsibilities be for the existing and any further nuclear waste produced by the Point Lepreau plant under a co-ownership arrangement?

We understand that section 24(2) of the *Nuclear Safety and Control Act* (NSCA) requires NB Power to make an application to authorize the transfer of a licence, and section 40(1) (a.1) requires a hearing for section 24 matters.

In any case, section 40(3) allows for the Commission to conduct a hearing if it is in the public interest to do so, and we request that the Commission exercise your discretion to order one. We are also requesting notice of any licence application and an opportunity to intervene.

Do not allow this proposed change to become another injustice our Nation must bear, without having our voices heard, understood and respected in the process. Specifically, we have two requests:

1) Will the Commission commit to holding oral/in-person hearings for the future request to change the ownership of the Point Lepreau reactor, so that the Peskotomuhkati Nation may intervene in our traditional manner rather than only through written intervention? In-person hearings will also allow us to meet and engage with others interested in the proposed new ownership arrangement, to help us understand the range of views on this issue.

2) Will the Commission remind the Government of New Brunswick that, contrary to its assertion in its recent energy strategy document, a future 10-year licence for the Point Lepreau reactor is not up to the provincial government to dictate but rather a matter for review and decision by the CNSC, as part of a hearing process that will involve public intervenors, including PRGI.

Thank you for considering our request and we look forward to your response.

Sincerely,



Hugh Akagi  
Chief of the Peskotomuhkati Nation at Skutik

Cc:

Honourable Jonathan Wilkinson, Minister of Natural Resources Canada

Honourable Steven Guilbeault, Minister of Environment and Climate Change Canada

Blaine Higgs, Premier of New Brunswick

Lori Clark, President, CEO & Chief Nuclear Officer