



**CANADIAN ENVIRONMENTAL LAW ASSOCIATION**  
L'ASSOCIATION CANADIENNE DU DROIT DE L'ENVIRONNEMENT

January 5, 2007

Linda Keen  
President and Chief Executive Officer  
Canadian Nuclear Safety Commission  
280 Slater Street  
Post Office Box 1046  
Ottawa, Ontario  
K1P 5S9

**Re: Environmental Assessment guidelines; life-extension of the Pickering B nuclear station**

Dear Ms. Keen,

The Canadian Environmental Law Association (CELA) is a non-profit public interest organization and a legal aid clinic within Legal Aid Ontario. For over twenty-five years, in our law reform and/or legal representation work, we have addressed issues of energy policy, nuclear safety, and the economic, ethical and environmental need for nuclear phase-out in Canada. We also have extensive experience with environmental assessment (EA) procedure and practice.

We write today to express our concerns about the environmental assessment and safety review of Ontario Power Generation's proposal to rebuild and extend the operational life of the Pickering B nuclear station until 2060. In our view, experience with the re-build of the Pickering A reactors provides ample justification for shutting down Pickering B, rather than rebuilding it.

The Pickering nuclear station has never been the subject of a full and fair environmental assessment review. Both the Pickering A and Pickering B reactors have a long and sorry history of poor performance, multiple accidents and astronomical cost overruns. Some accidents have been very serious; all have been expensive. This nuclear station is located in closer proximity to a major population centre than any other nuclear reactor in the world. A proposal to build a new nuclear plant so near to high population density should not be tolerated by the Canadian Nuclear Safety Commission (CNSC). Such a conclusion would be supported by the direction provided in the CNSC document, *Licensing Process for Siting New Nuclear Power Plants in Canada*, dated February, 2006.

The historical and ongoing risk created for the residents of Ontario – nearly one-third the population of Canada -- by this nuclear plant, is unjustifiable by any measure. We therefore consider it unreasonable and out of scale with the environmental and public interest significance

of this project to apply merely a screening-level environmental assessment. Rather, a review panel is warranted.

In our view, you are inadequately advised on this matter by CNSC staff. The Commission Member Document (CMD) applies limited as well as circular reasoning in its response to the public concerns raised thus far. CNSC staff note in the CMD that they are “not aware of any potentially significant adverse environmental effects or public concerns associated with this project which would warrant a need to have it referred to a mediator or review panel...” (page 3).

Section 25 of the *Canadian Environmental Assessment Act* (CEAA) provides for the responsible authority (in this case the CNSC) to request the Minister to refer the project to a review panel where the project may cause significant adverse environmental effects or public concern. We believe that both of these criteria are met in this case. Indeed, the CMD goes on to itemize (on page 6) the nature of such concerns raised during the limited public consultation held thus far. It is difficult to imagine a project of greater environmental and public health risk or public concern than the rebuild and life extension of a nuclear plant in close proximity to one-third of the population of Canada.

Further, CNSC staff note (on page 4) that provincial environmental assessment requirements do not apply to this project. The CMD goes on to point out (on page 6) that specific EA requirements, raised as a matter of public concern with respect to the Pickering B proposal, are energy policy matters of provincial jurisdiction. Yet the CNSC will be aware that the public in Ontario has been denied an environmental assessment review of these energy policy decisions under Ontario’s EA law.

The continued refusal by the Ontario government to allow for a full and fair environmental assessment review of nuclear power and its alternatives remains a matter of public concern. The public in Ontario has never been given the opportunity to participate in a rigorous and transparent environmental and safety review regarding the safety of this technology.

The Pickering Nuclear Station’s proximity to Canada’s largest city should oblige the CNSC to recommend the most rigorous and transparent environmental and safety review possible. Instead, the CNSC staff have recommended the lowest-level environmental assessment available under federal law and justify their recommendation with spurious arguments.

In conclusion, in addition to the above concerns we concur with those raised by other public interest organizations that a full review panel needs to consider: the potential environmental and human health effects of a catastrophic nuclear accident, including a terrorist attack, at the Pickering nuclear station; the impact of extending the life of the Pickering B reactor on radioactive emissions, particularly tritium; and the need to broaden the geographic scope of consultation meetings to the large population centres adjacent to the plant, including Toronto and the Greater Toronto Area.

We therefore recommend that you exercise your powers under the CEAA and, in keeping with the legislative purposes of the Act, urgently request the Minister of the Environment to refer the project to a review panel.

Yours very truly,

**CANADIAN ENVIRONMENTAL LAW ASSOCIATION**

Kathleen Cooper  
Senior Researcher

cc. Hon. John Baird, Minister of Environment (Canada)  
cc. Hon. Laurel Broten, Minister of Environment (Ontario)  
c.c. Louise Levert, Commission Operations Officer