



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

September 22, 2006

Canadian Nuclear Safety Commission  
Attn: Michael Rinker, Environmental Assessment Specialist  
P.O. Box 1046, Station B  
Ottawa, ON K1P 5S9  
Fax: (613) 995-5086

*Sent via fax. Original to follow by mail.*

**Re: Ontario Power Generation (OPG) Proposal for Deep Geologic Repository for disposal of low and intermediate level radioactive wastes in Kincardine**

*Response to proposed scoping document (Environmental Assessment Guidelines).*

Dear Mr. Rinker,

The Canadian Environmental Law Association (CELA) is a non-profit, public interest organization founded in 1970. CELA is an environmental law clinic – within Legal Aid Ontario - dedicated to providing legal services to low income people and disadvantaged communities. CELA's law reform and public educational mandates include advocacy on ensuring access to environmental justice and protecting public environmental rights, including access to fair environmental assessment and planning exercises.

We write to express our concerns about the above-noted proposal for a radioactive waste dump only one kilometre from the shore of Lake Huron.

We join other environmental public interest organizations in expressing our grave disappointment that the staff of the Canadian Nuclear Safety Commission (CNSC) have not supported an upgrade of the current environmental assessment from a Comprehensive Study to an independent Panel Review.

An independent review panel would ensure a fair hearing, independent of the CNSC and its inappropriately close ties to the nuclear industry. We note that, to the present, radioactive waste has been kept in temporary storage facilities. This proposal strays entirely from this practice and would be the first permanent deep underground disposal of radioactive waste in Canada. This significant departure from temporary to permanent storage alone merits as full a public review as is available. However, even if it was a temporary facility, the very high level of public concern about radioactive waste disposal warrants full and careful review. Such review is all the more important for a permanent facility that has the potential to impact human health and the environment, essentially in perpetuity.

We recognize that the CNSC has expanded the alternatives to be considered. However, we believe that alternatives should include storage at nuclear sites. More fundamentally, because of the long-lived hazards of radioactive wastes, we maintain our firm support for phase-out of this dangerous technology – an alternative worthy of consideration in assessment of this proposal.

The study area for the assessment must include the potential for this proposed dump creating local, regional and international impacts. Waste that is toxic for hundreds of thousands of years is not a local or regional concern. Downstream Great Lakes communities in Canada and the United States are at risk. The rejection by CNSC staff of any possibility of transboundary impacts is irresponsible. You will know that research by the International Joint Commission indicates measurable transboundary impacts from Canadian nuclear facilities on the Great Lakes. At a minimum, the study area should be expanded to include communities on the Lake Huron shoreline to the south of the Bruce facility, as well as on the Michigan shoreline of Lake Huron, and communities on both the American and Canadian sides of the St. Clair River, and Lake St. Clair.

We note the following contextual and/or pertinent issues raised by this proposal that also need to be recognized or directly addressed:

- The proposal occurs in a policy vacuum given the lack of federal policy on the long-term management of low and intermediate level radioactive waste.
- Consideration is needed of whether/how decommissioning waste is included in planning for the Bruce facility.
- The need to recognize that the assessment time should cover the lifetime of radioactivity that can be expected from this facility, i.e., a million years.
- An examination of the safety of radioactive waste transport from the Pickering and Darlington sites to the Bruce site.
- Consideration of alternatives to radioactive waste incineration.
- The need to consult municipalities on transportation routes given the many decades of radioactive waste transportation that would occur through their communities.
- The need for mandatory costing and economic analysis of the main proposal and all alternatives.

Please take these very grave concerns into considerations in making your decision on this proposal.

Sincerely,

**CANADIAN ENVIRONMENTAL LAW ASSOCIATION**

A handwritten signature in black ink, appearing to read 'Kathleen Cooper', with a stylized flourish at the end.

Kathleen Cooper  
Senior Researcher