



Canadian  
Environmental Law  
Association  
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**GREENPEACE**

April 8, 2013

Office of the Commissioner of the Environment and Sustainable Development  
Auditor General of Canada  
240 Sparks Street  
Ottawa, Ontario  
K1A 0G6  
Email: [petitions@oag-bvg.gc.ca](mailto:petitions@oag-bvg.gc.ca)

Dear Commissioner,

**Re: Petition pursuant to Section 22 of the Auditor General Act, regarding the application of the polluter pays principal to the nuclear industry**

This petition is to request the federal government to undertake a meaningful public consultation on how *Nuclear Liability Act* (NLA) should be modernized to acknowledge lessons from the Fukushima disaster and Canada's commitment to Sustainable Development, including the Polluter-Pays principle.

As revealed by the Environment and Sustainable Development Commissioner's recent report, Natural Resources Canada (NRCan) has been privately consulting Canadian nuclear operators on how to revise the NLA. This behind-closed-doors consultation with industry is unacceptable. The NLA transfers the financial risk from reactor operations from industry to Canadians. Canadians should thus be consulted.

In light of the tragic events at Fukushima in March 2011, the Petitioners are even more concerned that an inadequate review of the NLA will fail to adequately protect Canadians.

In light of reactor risks as illustrated graphically by the events at Fukushima, this petition seeks identify information needed for a meaningful review of the NLA, which considers the public interest and Canada's commitment to Sustainable Development.

Specifically this petition:

- 1) Requests that NRCan undertake a public review and consultation on how the NLA should be modernized.
- 2) Requests that NRCan commission and release studies on the consequences of major accidents at Canadian nuclear stations as part of any future consultation on revising the NLA.
- 3) Requests that NRCan re-consider the NLA's objective of promoting nuclear power in light of Canada's modern commitment to the Polluter-Pays Principle.

This petition is directed to Natural Resources Canada, Environment Canada or any other relevant Ministry or Department. Thank you for your attention to this matter.

Truly,

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## Petition Questions

### Need for a Debate

- 1) Will the Department Natural Resources Canada organize a public consultation on the modernization of the Nuclear Liability Act before revisions to the legislation are tabled in Parliament? In the event of any such consultation, will the government commit to publicly providing reasons for accepting or rejecting advice from both industry and non-industry stakeholders?
- 2) Has the Department of Natural Resources consulted with the City of Toronto regarding the modernization of the Nuclear Liability Act since the Fukushima disaster? If so, please describe the consultations. If not, please provide reasons.
- 3) Has the Department of Natural Resources consulted with non-industry stakeholders, such as Non-Governmental Organizations, regarding the modernization of the Nuclear Liability Act since the Fukushima disaster? If so, please describe the consultations. If not, please provide reasons.
- 4) In considering revisions to the Nuclear Liability Act, what criteria is the government currently using to determine the liability of reactor operators?
- 5) Will the Department of Natural Resources Canada release all comments provided by industry to its May 2012 consultation document on the Nuclear Liability Act?
- 6) Will the Department of Natural Resources Canada commit to considering an end to liability protection for reactor vendors and suppliers in any future public consultation on modernizing the Nuclear Liability Act? Please provide reasons.
- 7) Has the Department of Natural Resources Canada asked reactor vendors such as SNC-Lavalin, AREVA and Westinghouse whether they would be willing to assume liability if their negligence contributed to an accident at a Canadian nuclear station?
- 8) How does Natural Resources Canada define "the limitation, to a reasonable level and in a manner that is consistent with Canada's international obligations, of the risks to national security, the health and safety of persons and the environment that are associated with the development, production and use of nuclear energy" as laid out in the objectives of the Nuclear Safety and Control Act?

### Information on Accident Consequences

- 9) Has the Department of Natural Resources Canada or any of its responsible agencies assessed the consequences of major accidental radiation release at a Canadian nuclear facility? If so, please provide details.
- 10) Will the Department of Natural Resources Canada commission a study on the consequences of a large accidental radiation release at the Darlington nuclear station to inform a public consultation on revising the NLA? Will it commission a study on the consequences of a large accidental radiation release at the Pickering nuclear station to inform a public consultation on revising the NLA? Will it commission a study on the consequences of a large accidental radiation release at the Point Lepreau nuclear station to inform a public consultation on revising the NLA? Will it commission a study on the consequences of a large accidental radiation release at the Bruce nuclear station to inform a public consultation on revising the NLA?
- 11) Will the Department of Natural Resources provide the preliminary conclusions of the Atomic Energy Control Board's (AECB) severe accident study? And will Natural Resources Canada provide the AECB's rationale for abandoning the severe accident study?
- 12) Has the Department of Natural Resources reviewed the frequency and magnitude of reactor accidents based on the world wide record as recommended by the Interdepartmental Work Group on Nuclear Liability Act in 1984? If so, please share the conclusions of this review.

## **Canada's commitment to Sustainable Development**

13) Do Environment Canada and the Department of Natural Resources consider the NLA to be aligned with Polluter-Pays principle? Is Canada's commitment to Sustainable Development, including the Polluter-Pays and Precautionary principles, being considered by Environment Canada and the Department of Natural Resources as a criterion in the modernization of NLA? Please provide reasons.

14) Could the Department of Natural Resources Canada please provide the government policy objective that led to the passage of NLA? Please describe how and when was this policy established?

15) Could the Department of Natural Resources Canada provide the government policy objective that informed the development of the proposed Nuclear Liability and Compensation Act? Please describe how and when was this policy established?

16) Did the Department of Natural Resources Canada reconsider Canada's policy on nuclear liability protection following the Fukushima disaster?

## **Subsidies**

17) Has the Department of Natural Resources Canada government estimated the implicit subsidy per kilowatt that would be created by raising the liability limit to \$650 million? Has it done the same for a \$ 1 billion limit? If so, please share the results.

18) Does the Department of Natural Resources Canada have a policy on assessing and reporting on the market distortions created by the implicit subsidy created by current and future caps on nuclear operator liability?

## **Minimum Insurance Coverage for Nuclear Operators**

19) How often does the Department of Natural Resources Canada verify the insurance capacity of the insurers in Canada?

20) How does the Department of Natural Resources Canada define the "reasonable" cost of insurance in determining the maximum level required of nuclear operators?