

Rick Lindgren

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Attach: I-Nuclear Energy.doc
Subject: nukes & EA opinion

Hi Joe & David:

Thanks again for participating in last week's conf call re nukes, EA, etc.

As per your request, here is a confidential draft of the legal opinion that CELA prepared in Feb for Greenpeace, Pembina & Suzuki Foundation re EA Act coverage of certain energy-related matters in Ontario. These groups have authorized the release of the opinion letter to you for your consideration (and learned feedback).

In summary, our overall conclusions are that:

- there is a strong legal/policy argument that the forthcoming provincial energy supply plan (IPSP) should be subject to EA Act requirements, just as the DSP was subject to the EA Act;
- any electrical infrastructure upgrades or expansions (i.e. transmission lines, sub-stations, etc) needed to implement the approved prov energy supply plan would likely trigger EA requirements under the O.Reg.116/01 regime or applicable Class EA's; and
- there is jurisdictional uncertainty whether – or to what extent – EA Act requirements could be applied to individual proposals for new/expanded nuclear reactors, but there is an arguable case that the Act should apply to these site-specific proposals (unless specially exempted).

Pls let me know if you fundamentally disagree with these conclusions, or if you have additional thoughts/comments.

As you know, the Energy Minister is about to release her directives to OPA on the development/content of the IPSP, so we may need to think about j.r. possibilities in the near future if no EA commitments are announced.

Regards,
RL

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