



**SUBMISSIONS
OF LAKE ONTARIO WATERKEEPER TO
CANADIAN NUCLEAR SAFETY COMMISSION**

**RE: INVITATION TO COMMENT ON DRAFT REGULATORY
GUIDE G-360, LIFE EXTENSION OF NUCLEAR POWER
PLANTS**

**DOCUMENT: DRAFT REGULATORY GUIDE G-360, LIFE EXTENSION
OF NUCLEAR POWER PLANTS**

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Lake Ontario Waterkeeper ("Waterkeeper") is a registered charity and environmental justice organization working to win back our rights to safely swim, drink, and fish in Lake Ontario. We submit this application in response to the Canadian Nuclear Safety Commission's ("CNSC") invitation to comment, dated May 17, 2006.

Executive Summary

Waterkeeper is extremely concerned about life extension of nuclear power plants and the regulatory processes that projects will be required to undergo in Ontario. It is our view that life extension is one of the single most important energy and environment-related issues in our province. For this reason, we read the draft regulatory guide ("the Guide") with great interest and offer the following recommendations:

1. Include in the Guide a description of the other factors that will be considered when evaluating a life extension proposal.

2. Include an explicit reference to other applicable environmental legislation that licensees are bound to comply with.
3. Consider integrating the licencing process and the environmental assessment process.

An explanation for each of these recommendations can be found below.

Background

There are currently three nuclear power plants in operation on Lake Ontario: two in Canada, one in the United States. Each operating power plant is an industrial facility that consumes water, discharges wastewater, generates solid waste, and releases to our airshed. As such, Waterkeeper has an active interest in ensuring that the lake and its communities are protected from the nuclear and non-nuclear impacts of these facilities.

Waterkeeper is very interested in the life extension of nuclear power plants on and around Lake Ontario. It is likely that we will see a proposal for life extension on the lake sometime in the near future, and we are eager to make sure that any such proposal is studied, refined, and adjudicated based on fair, transparent, factual, and independent analysis.

Waterkeeper supports the CNSC's efforts to clarify the life extension process. We offer the following recommendations in order to assist in the further development of the draft regulatory document.

Recommendations

- 1. Include in the Guide a description of the other factors that will be considered when evaluating a life extension proposal.**

Waterkeeper is concerned that the language of the Guide and the backgrounder that accompanies it may create the impression that these steps are the only steps for regulatory approval of a life extension proposal.

The Guide should clarify whether factors such as the following will be considered in the decision-making process, and if so, during which stage of the process:

- The need for life extension
- Alternatives to life extension
- Provincial processes, if applicable (for example, environmental assessment, certificates of approval)
- Past performance

Currently, these issues do not appear to be part of the licencing or environmental assessment (assuming screening level) stages.

Some of the language in the associated backgrounder appears to minimize the significance of a life extension undertaking. For example, "Refurbishment is nothing new and closely relates to ongoing maintenance. The difference is one of scale." From a grassroots perspective, refurbishment and maintenance are fundamentally different undertakings. Maintenance is the day-to-day work that keeps plants operational. Refurbishment is accompanied by a host of policy and planning implications that the backgrounder and the Guide overlook. As a result, Waterkeeper asks that the CNSC also include a description of the criteria that it will use when deciding whether or not to "bump up" a life extension environmental assessment from a screening level to a review panel.

2. Include an explicit reference to other applicable environmental legislation that licensees are bound to comply with.

There is no reference to applicable provincial legislation anywhere in the Guide. The list of Associated Documents should be amended to include relevant legislation and policies such as the *Ontario Water Resources Act*, the *Environmental Protection Act*, the *Municipal/Industrial Strategy on Abatement*, the *Environmental Bill of Rights*, and so forth.

3. Consider integrating the licencing process and the environmental assessment process.

Waterkeeper's experience during the Bruce B environmental assessment revealed one extremely frustrating flaw in the EA/licencing process for life extension: the unnatural separation of environmental assessment and licencing issues.

It is common practice to link licencing and environmental assessment processes together, to consider all potential environmental impacts and public concerns in one process and to mitigate and/or remedy each issue through the most appropriate means. The CNSC, however, keeps the two processes separate. This practice results in confusion and frustration for members of the public.

It is both unreasonable and unwise to eliminate performance issues from the environmental assessment process. Similarly, it is virtually impossible to identify site-specific terms and conditions for an operating licence without the benefit of the environmental assessment process.

Furthermore, integrating licencing and environmental assessment would clarify the connection between the EA process and the limited scope of the CNSC operating licence. Many people erroneously believe that the *Canadian Environmental Assessment Act* process is a substitute for the provincial environmental assessment process, which it is not. In this case, the CEAA process

is restricted to the interests and mandate of the CNSC: that is, the regulation of nuclear-related materials. As the CSNC has stressed many times, the licences it issues do not regulate non-nuclear industrial emissions, such as metals, bacteria, hydrocarbons, and so on. Nor do these licences reflect planning or land-use policies. All of these issues are left to the provinces to regulate and are rarely considered in the CEAA process. By explicitly linking CEAA requirements to licencing, the CNSC can eliminate significant confusion and allow for a more efficient federal process.

Submitted by:



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July 21, 2006