

Date: December 19th 2017

From: Lynn Jones

To: Candida Cianci, Environmental Assessment Specialist
Canadian Nuclear Safety Commission

By email: cncs.ea-ee.ccsn@canada.ca

Subject line: Comments on Draft Environmental Impact Statement: In Situ Decommissioning of the WR-1 Reactor (CEA Registry Number 80124)

CEAA Reference number: 80124

Comments:

Dear Ms. Cianci

Please find attached my comments on the Draft EIS for the In Situ Decommissioning of WR-1 at the Whiteshell Laboratories Site. Please note that the attached pdf file has functioning hyperlinks in it, that make it easier for readers to check references. If you would retain the hyperlinks in the version you post on the registry, I would appreciate it.

Best wishes,

Lynn Jones

Comments on the Draft Environmental Impact Statement for the In Situ Decommissioning of the Whiteshell Reactor-1 (Whiteshell ISD) (Registry Number 80124)

from Lynn Jones, Ottawa ON

Submissions on the public registry identify numerous serious defects in the EIS for the Whiteshell ISD and the associated proposal

It would appear, based on the substantive comments on both the Project Description and the draft EIS, by scientists and other concerned citizens, that this project flouts international guidance by proposing a cheap and ineffective method for decommissioning that would fail to keep radionuclides out of the biosphere. The proposed project would fail to meet Canada's international obligations as a signatory to the *Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management* and would impose undue burdens on future generations.

The EIS is being evaluated under a flawed process

The EIS for the Whiteshell In Situ Decommissioning is being evaluated under a gutted Environmental Assessment Act, (CEAA 2012), brought in by the previous conservative government, with no public debate, as part of an Omnibus Bill in 2012. Under this legislation the Canadian Nuclear Safety Commission was given decision-making authority for Environmental Assessments of Nuclear Projects, despite the fact that it has no special environmental assessment expertise.

The Trudeau government, early in its current mandate, appointed an Expert Panel to review CEAA 2012 and recommend improvements. The Expert Panel identified many problems with CEAA 2012 and made a series of recommendations in its report to the government in April, 2017 entitled [Building Common Ground: A New Vision for Impact Assessment in Canada](#). The report specifically recommended (among other things) that sole decision-making authority on nuclear projects be taken away from the CNSC and given to an independent Impact Assessment authority. The Trudeau government has indicated its intention to enact new EA legislation in 2018.

Given the flaws in the current EA legislation, and the government's intention to address these, the current EA and review of the EIS for the Whiteshell In Situ Decommissioning lacks legitimacy. Many concerned Canadians believe the EA should be suspended and restarted under new legislation.

E-petition 1220 to the House of Commons requests suspension of the Environmental Assessment of the Whiteshell ISD and two other badly flawed proposals for nuclear waste disposal

The text of the e-petition is as follows:

A Petition to the House of Commons in Parliament Assembled

Whereas:

- Three project proposals for permanent disposal of the federal government's radioactive waste are being reviewed under the Canadian Environmental Assessment Act, 2012 (CEAA 2012).
- These projects would inevitably result in long-term radioactive contamination of the Ottawa and Winnipeg Rivers.
- Ongoing environmental assessments of the three radioactive waste disposal projects lack legitimacy; they are hampered by serious flaws in CEAA 2012 identified in the April 2017 report of the Expert Panel to review federal environmental assessment processes. CEAA 2012: does not provide early and ongoing public participation opportunities that are open to all; does not ensure that information is easily accessible, and permanently and publicly available; and gives the Canadian Nuclear Safety Commission (CNSC) sole authority to decide if a nuclear project would cause significant adverse environmental effects.
- The Government of Canada plans to enact new environmental assessment legislation in 2018.

We, the undersigned residents of Canada, call upon the Government of Canada to:

1. suspend all environmental assessments of projects involving permanent disposal of radioactive waste;
2. restart these projects under new environmental assessment legislation; and
3. adopt the Expert Panel recommendation that a new federal impact assessment authority replace the CNSC as decision maker for nuclear projects.

<https://petitions.ourcommons.ca/en/Petition/Details?Petition=e-1220>

The petition was open for signatures from August 11 to December 9, 2018. During that period it was signed by 3148 Canadians, from coast to coast to coast in all ten provinces and three territories.

CNSC does not have sufficient impartiality to be making decisions about this EIS and nuclear projects such as the Whiteshell ISD

The Expert Panel on Environmental Assessment heard from some Canadians that the CNSC lacks independence and neutrality because of the close relationship between it and the industry it regulates. The Panel heard that CNSC promotes the projects it is tasked with regulating, and further that it is subject to "regulatory capture". ([Report of the Expert Panel](#))

According to Wikipedia, "Regulatory capture is a form of government failure that occurs when a regulatory agency, created to act in the public interest, instead advances the commercial or political concerns of special interest groups that dominate the industry or sector it is charged with regulating. When regulatory capture occurs, the interests of firms or political groups are prioritized over the interests of the public, leading to a net loss to society as a whole." (Wikipedia, August 14, 2017)

According to an email sent by the Canadian Nuclear Safety Commission on March 30, 2017, in response to a citizen query, a CNSC staff member confirms that the Canadian Nuclear Safety Commission has never refused to grant a license during its 17-year history. This memo can be viewed on the website of the Canadian Coalition for Nuclear Responsibility at: http://ccnr.org/CNSC_licence_refusals_2017.pdf

The EIS for the Whiteshell ISD (and the larger EA of which it is part) illustrate that nuclear waste governance needs major improvement in Canada

Concerned Canadians are asking, “Given that the Whiteshell In Situ Decommissioning is inappropriate according international guidance and standards, **WHY DID A RED FLAG NOT GO UP** early in the process, to stop the assessment of this project before so much time and money were wasted.

The reason a red flag did not go up, is that there are no policies, strategies or regulations in Canada governing how radioactive wastes are managed. Other countries have overarching policies and strategies that spell out in detail what types of technologies must be used for each specific class of radioactive waste. In Canada, the approach is that a proponent can propose anything it wants and the onus is on it to prove (to its captured regulator) its proposal is safe. This is clearly a bad way to govern nuclear industries and waste projects. Canada needs to develop policies, strategies and regulations for nuclear waste, as recommended by the IAEA and as implemented in many other countries.

The lack of policies, strategies and regulations to govern radioactive waste in Canada is the focus of a petition to the Auditor General submitted by Concerned Citizens of Renfrew County and Area and the Canadian Environmental Law Association. The petition, #411 is entitled “Policies and Strategies for Management of Non-Fuel Radioactive Wastes”.

The Whiteshell ISD proposal shows what can go wrong when private sector is put in charge of radioactive waste in a country with inadequate nuclear waste governance

Between 2005 and 2015, over a billion dollars were spent by the federal government in Canada to develop a plan and strategy for cleaning up its legacy radioactive wastes at Chalk River, Pinawa, and other locations. The planning was done as part of a “Nuclear Legacy Liabilities Program”. The estimated cost to responsibly deal with the wastes ranged from \$6 billion to \$10 billion.

In 2015, the conservative government of the day cancelled the Nuclear Legacy Liabilities Program and privatized the management of Canada’s federally-owned nuclear facilities and radioactive wastes. The contract it signed with multinational consortium, Canadian National Energy Alliance, emphasized speed, low cost and disposal of all wastes. This led quickly to the Whiteshell ISD proposal and two other cheap and dirty proposals for permanent disposal of radioactive wastes using inappropriate methods that do not comply with international guidance.

A petition to the Auditor-General from Concerned Citizens of Renfrew County and Area and the Canadian Environmental Law Association submitted in June 2017, raises questions as to the wisdom and value to Canadian taxpayers of replacing the Nuclear Legacy Liabilities Program with privatization of the management of Canada's federally owned radioactive wastes. The petition, number 405, was sent to the Ministers of Natural Resources, Finance, and Environment and Climate Change and their responses, when available will be posted on the Environmental [Petitions section](#) of the website of the Office of the Auditor-General of Canada.

Conclusion

It is a travesty that such a bad proposal as the one for the In Situ Decommissioning of the Whiteshell Reactor #1 has been allowed to go forward to the Environmental Assessment stage. By allowing this to happen, the CNSC is responsible for a colossal waste of time and energy that would have been much better spent coming up with viable options for keeping radioactive toxins out of the biosphere. CNSC should call a halt to the Environmental Assessment for this badly-conceived project and stop wasting Canadian tax dollars on it.

Other countries such as Finland and France are doing a much better job creating facilities to isolate radioactive wastes from the biosphere. Canada can do much better. We have the expertise. We need reform of nuclear governance; a captured regulator by definition cannot act in the best interests of Canadians and future generations. Improved nuclear governance and political will could enable the creation of state-of -the-art facilities for management of radioactive wastes to the best of our collective abilities.

References

Report of the Expert Panel on Reform of Environmental Assessment

<https://www.canada.ca/en/services/environment/conservation/assessments/environmental-reviews/environmental-assessment-processes/building-common-ground.html>

The House of Commons e-Petition 1220

<https://petitions.ourcommons.ca/en/Petition/Details?Petition=e-1220>

Petitions to the Commissioner of Environment and Sustainable Development

http://www.oag-bvg.gc.ca/internet/English/pet_fs_e_929.html

search for : "Spending for Nuclear Legacy Liabilities" and "Policies and Strategies for Management of Non-Fuel Radioactive Wastes"

Concerned Citizens of Renfrew County and Area

<http://www.concernedcitizens.net>