

Secretary, Canadian Nuclear Safety Commission,
c/o Louise Levert, Commission Operation Officer,
CNSC, Ottawa, ON, K1P 5S9

Submission By Citizens For Renewable Energy(CFRE) on CMD05-H10 (Bruce A
Refurbishment for Life Extension and Continued Operations Project re: Approval of the EA
Guidelines.

April 19, 2005

Dear President and Members of the Commission,

Thank you for the opportunity to provide comments and concerns on the above subject on behalf of the members and directors of Citizens For Renewable Energy(CFRE), a non-profit organization of over 1,000 members, incorporated in Ontario almost 10 years ago.

We chose to respond to the findings of the CNSC EA Specialist to CFRE s comments in Dispositioning of Public Comments (Appendix B of CMD05-H10):

Re: #44 Rejecting the combining of 3 different components under one EA...

CNSC response - refer to #3 - One of the fundamental principles of environmental Assessment is its use as a planning tool before irrevocable decisions are made, hence The integrations of decisions made at the planning stage for use in future economic Decisions [T]he EA can then be updated if necessary and used in reviews of future Applications for amendments of Bruce A operating licence .

OUR RESPONSE: to very significantly reduce the chance of making irrevocable Decisions this EA must undergo a broad and thorough environmental assessment that Can be accomplished ONLY by an Independent Review Panel to be ordered by the Minister!

Re: #45 Preempting the authority of the Commission by confirming an extended operational Life for Bruce A....

CNSC response - refer to #1 and #6

....In particular, existing and enforceable regulatory requirements ensure that a Nuclear facility is fit for service such that it meets the objects of the NSCA.

OUR RESPONSE: The NSCA requires under Sec.3, subsec.6(h) that the licence To operate includes the effects on the environment and the health and safety of Persons that may result from the operation and decommissioning of the nuclear Facility, and the measures that will be taken to prevent or mitigate those effects .

We have lost confidence in the CNSC staff s ability to identify and enforce this Regulation on behalf of the public. Therefore a broad and thorough environmental Assessment by an Independent ReviewPanel must be ordered by the Minister pursuant To Sec. 25 of the CEAA because of public concern.

Re #6 (CNSC response)

CNSC staff verifies that the licensee operator operates safely on an ongoing basis Through the application of the CNSC Compliance Program .

OUR RESPONSE: We recall the report of a U.S. Peer Review group that stated

CFRE cont d... numerous shortcomings in AECB staff s assessments giving rise to overall Ratings for instance for Bruce of Minimally acceptable and Below Standard For all categories! (Report to Management, IIEA , July 2001)
To avoid repeating such a dismal record we call on the Commission Tribunal to Refer this EA to the Minister for an Independent Panel Review pursuant to Sec.25 Of the CEEA.

#46 Our comments are pertaining to the proposed refuelling of Units 1 and 2 and their Return to service(only).
CNSC response - refer to #3, #29 and #30
OUR RESPONSE re #3: As stated before - to significantly reduce the chance of Making irrevocable decisions this EA must undergo a broad and thorough Environmental assessment that can be accomplished ONLY by an INDEPENDENT Panel Review to be ordered by the Minister pursuant to Sec. 25 of the CEEA.
#29 response by CNSC: the scope of the project includes consideration of the Environmental effects of using natural uranium fuel and potentially using New Fuel (Low Void Reactivity Fuel, containing slightly enriched uranium) in the Bruce A Reactors. Bruce Power is expected to include consideration of the effects of the Variety of isotopes and particulate sizes in the environmental assessment.
OUR RESPONSE: We reiterate that there is no possible way that this EA can cover 3 potential projects and find it objectionable to rely on the proponent only to supply Technical information on the New Fuel. To have a fair, objective and thorough Assessment of the effects this EA must be referred to the Minister for an Independent Panel Review pursuant to Sec.25 of the CEEA to alleviate public concern.
#30 response by CNSC: The environmental assessment must consider the likely Environmental impacts of the operation of Bruce A for an extended period once Refurbished and using natural uranium fuel and potentially using NewFuel(Low Void Reactivity Fuel,containing slightly enriched uranium) in the Bruce A reactors. The scope of the project includes all activities related to the receipt, handling, use And management of New Fuel .
OUR RESPONSE: (Another valid concern of an intervenor): The multitude of Different issues involved can never be dealt with by the EA as proposed by CNSC Staff. To assure a broad and thorough environmental assessment this EA must be Referred to the Minister for an Independent Panel Review pursuant to Sec. 25 of the CEEA to alleviate public concern!

#47 Delegation of the EA Study Report (EASR) and public consultation to proponent.
CNSC response(inpart):The CNSC, as the Responsible Authority(RA), must ensure the preparation and completion of the draft Screening Report which will be Available to the public for review and comment. All documentation used for the Preparation of the Screening Report (SR) will be available for consultation by the Public. The Commission s process for making the EA decision will be open and Transparent.
OUR RESPONSE: The preparation and completion of the draft SR contesting the Use of studies prepared by the proponent was never addressed in the CNSC Response. Here we have a private consortium,dedicated to a profit-based operation Smoothing the way for the regulator s staff. Their objectivity is of great concern to

CFRE cont d... us.

The Standing Senate Committee on Energy, the Environment and Natural Resources In their June 2001 Report had serious concerns about the objectivity of such action And recommended among others: That the CNSC ensure public confidence in the Federal environmental assessment process by retaining for itself the public Consultation process, not delegating it to a project proponent...,determining the scope of assessments independently of the project proponent... And developing guidelines to make intervenor funding available to interested Parties (Rec. 10, pg. 38).

Since no steps have been taken to adopt these recommendations made by a federal Committee we can rightfully state that public confidence will not be served in this EA.

Therefore there is no other way to ensure public confidence than referring it to the Minister for a full Independent Panel Review EA hearing pursuant to Sec.25 of the CEAA.

48 We want to see a complete tabulation of the previous operational history right back To their start-up in the 70s.

CNSC staff response: Bruce Power is expected to identify and describe the Operational history of Bruce A as it is relevant to its environmental assessment to The proposed project....

OUR RESPONSE: What can we expect from a proponent who can pick and Choose what is relevant or not!? Assumptions of relevance even by CNSC staff Do very often not meet the expectations of a concerned public.

We therefore call on the President and the Members of the Commission to Realize the shortcomings of this Screening Level EA in meeting public concern And ensure that it is referred to the Minister for a full Independent Panel Review Environmental Assessment hearing pursuant to Sec.25 of the CEAA!

#49 We expect to have the scope of the EA broadened to investigating the need and The alternatives to restarting the over 25-year old reactors.

CNSC staff response: As noted in the EA Guidelines` the question of producing Electricity using alternative means is a broader policy outside of the mandate of CNSC.....

OUR RESPONSE: That is exactly the problem that a Screening Level EA does Not permit the investigation of need or alternatives, and looks only on the narrow Scope of environmental effects and safety of the proposed project. In today s day And age the Precautionary Principle has the full support of the general public and The only way it can be brought forward is by a full Independent Panel Review.

We strongly urge the Commission to broaden the scope by calling on the Minister to alleviate public concern by ordering an Independent Panel Review Pursuant to Sec. 25 of the CEAA.

#50 In regard to the stored inventories of radioactive waste we request an accounting Of the long-term storage of the highly enriched booster fuel assemblies stored at Bruce A.

CNSC response: refer to #10 The EA Guidelines require the proponent to Provide information about: the stored inventories of radioactive and other

CFRE cont d.... hazardous materials used as part of the project, including locations and storage Methods, and criticality control plans(when new fuel is used)....

#51 OUR RESPONSE: It is again the proponent who is supposed to provide the Information of all the different aspects of the hazardous fuel issues without full Verification by CNSC staff. We don t feel at all comfortable with this approach The only way to address public concern is to refer this EA to the Minister for a Full Independent Panel Review Assessment pursuant to Sec. 25 of the CEEA. With the requested refuelling of two more reactors for power generation there Has to be an increase in the Financial Guarantees by Bruce Power. We want to Be sure that this issue is included in the scope and assessment.

CNSC staff response: CNSC staff consideres this to be a licensing issue rather Than an environmental assessment issue....

OUR RESPONSE: We are dealing here with a private consortium of 5 partners which does not have government backing and which is vulnerable to market Conditions. This is the reason why an EA on a risky project like this has to Include iron-clad financial guarantees to protect the public. Therefore a broad And exhaustive EA must be conducted in the form of an Independent Panel Review ordered by the Minister pursuant to Sec.25 of the CEEA.

#52 The effects of project-related environmental impacts on the capacity of natural And non-renewable resources to meet the needs of the present and future Population must be thoroughly investigated.

CNSC staff response: Agreed This requirement is covered in section 9.2.7 of The EA Guidelines.

OUR RESPONSE: As the requested investigation is performed by the Proponent we doubt the objectivity of the process. The only way public Concern in this long-term temporal study can be satisfied is by a full Independent Panel Review EA ordered by the Minister pursuant to Sec.25 of The CEEA.

#53 It must also include environmental impacts on our U.S. neighbours sharing The waters and the shorelines of Lake Huron.

CNSC staff response: Section 9.2.3 defines the spatial and temporal Boundaries of the EA. The final paragraph on page 10 states: Both the study Areas and time frames will remain flexible.... Bruce Power is expected to Identify and use study areas which encompass the spatial extent of potential Effects of the project. This would cover any potential effects of the project on Our U.S. neighbours.

OUR RESPONSE: The proponent is the party delegated to perform the Technical studies, the public consultation process and the Environmental Assessment Study Report(EASR) . This is unheard of flexibility for a for - Profit consortium, with very little regard for public health impacts. Again the Objectivity of these processes are very suspect. We doubt very much that the U.S. public has trust in that process.

The only way public concern about this EA can be alleviated is by calling on The Minister to order a full Independent Panel Review EA pursuant to Sec.25 Of the CEEA.

CFRE cont d

#54 a

This is just a list of some of the major issues that make it necessary to expand The proposed scope of this Screening Level EA.

CNSC staff response: Refer to # 2' - No specific changes to the Guidelines are Proposed as a result of this comment.

OUR RESPONSE: To delegate to a proponent, especially a private power Generator, having the freedom to pick specific malfunctions and accident Events having a **reasonable probability** of occurring and provide Consideration of **relevant** environmental effects has alarm bells ringing in our Assessment of objectivity!! How easy can you go on a proponent when safety And environmental effects of reactor operation beyond the predicted Operational life span of these decrepit reactors are assessed, no matter how Many components have been replaced!/? There is so much lack of confidence in The validity of these studies that only a full Independent Panel Review EA Ordered by the Minister pursuant to Sec.25 of the CEAA can address serious Public concerns.

#54 b

The whole proposed project entails so much in the way of dangerous, risky Undertakings with no Precautionary Principle built in.....

CNSC response referral to #2 (Another intervenor s specific call for a full Panel environmental assessment!) The EA process is in full compliance With CEAA requirements....

OUR RESPONSE: We don t find any comfort in staff s assurance that this Screening Level EA is in full compliance with CEAA requirements. This Draft EA is so flawed, beginning with the delegation of vital safety studies to The proponent, excluding the studies of effects from worst case scenario Accidents(remember the age of these reactors!) etc.

Staff seems to be so sure that no major accidents can occur that they have not Addressed the requirement of a Nuclear Emergency Plan to be provided by Bruce Power! All these drastic shortcomings can never be addressed by a Screening Level EA!

In conclusion, we believe that we have made a strong case on the inadequacy of this Screening Level EA. We have cast strong doubts on CNSC staff s ability to verify and assess the proponent s technical and environmental study reports.

Just to underline that point we would like to quote from a Submission by the Atomic Energy Control Board to the Treasury Board of Canada dated October 16, 1989:

excerpt paragraph #7 AECB s review of safety has also been too simplistic. Spot checks of a small number of the key areas were thought to be sufficient. These spot checks have uncovered enough safety problems to demonstrate that more thorough review is essential, **since the risk posed by nuclear power plants may be higher than once believed.(!)**

And from paragraph #10: Reports of significant events that have occurred in Canadian reactors show that human error plays a part in more than 50 percent of all such events. Both the nature and probability of human error is difficult to quantify and hence **the probability of serious accidents which are a combination of system failure and incorrect human response is difficult to predict. It cannot be done with current resources.**

CFRE cont d

Monday, July 21, 1997 was the fateful day when the shortcomings of AECB staff's oversight of Ontario reactors was revealed. That's when the Report to Management of the IIPA/SSFI U.S. Inspection team was released.

That exposure of inadequacy of oversight by the regulator's staff led to the shutdown of 7 of Ontario's nuclear reactors, and a black eye for the authority delegated to ensure safe operation of nuclear power generation!

This scenario could easily be repeated. Rumbblings of CNSC nuclear plant inspector short staffing have long persisted: to have only 7 inspectors stationed at the largest nuclear power station in the world is just not acceptable on a confidence basis. This complement shrinks even further during vacation periods while refurbishing activities go ahead at full speed!

The capability of CNSC staff to verify that the licensee operates safely on an ongoing basis through application of the CNSC compliance program must be strongly disputed!!

The Commission would be well advised to recognize the immense task expected from their inspection team, to oversee a complexity of projects. They couldn't be blamed for a similar embarrassment as in the lax enforcement of safety standards leading to the shutdown of almost half of Ontario's nuclear fleet in 1997!

To avoid being written off as the storefront for the nuclear industry we must encourage the Members to see their way to passing on the responsibility of assessing this complex maze of projects to the Minister of the Environment with the recommendation to call for a FULL INDEPENDENT PANEL REVIEW HEARING TO INVESTIGATE ALL POSSIBLE ISSUES CONNECTED WITH THIS PROPOSED PROJECT TO ALLEVIATE THE GRAVE PUBLIC CONCERN!

Thank you for giving us time on your May 19 agenda to present this submission on behalf of the members and directors of Citizens For Renewable Energy(CFRE).

Respectfully submitted by

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