



September 22, 2010

Ms. Louise Levert  
Secretariat - Canadian Nuclear Safety Commission  
280 Slater Street, P.O. Box 1046  
Ottawa, Ontario K1P 5S9.

Dear Ms. Levert:

**Re: Application by Bruce Power for a licence to package and transport under special arrangement, 16 steam generators to Sweden**

**Amended Submission for CNSC Public Hearing – September 29, 2010.**

My name is Emma Lui and I am writing on behalf of the Council of Canadians. The Council is Canada's largest member-based advocacy organization with tens of thousands of members and over 70 community-based chapters across the country. We are a social justice organization and address environmental issues through an environmental justice perspective.

We have 16 Council chapters around the Great Lakes and have been working to protect water nationally and internationally for the last 25 years. Maude Barlow, the National Chairperson of the Council of Canadians, also served as Senior Advisor on Water to the 63<sup>rd</sup> President of the United Nations General Assembly (2008-2009).

The Great Lakes holds nearly 20% of the world's freshwater. They provide drinking water to 40 million people in surrounding areas. We are concerned that the shipment of Bruce Power's 16 steam generators puts this precious resource at risk and sets a dangerous precedent that could encourage the shipment of radioactive waste through the Great Lakes on a regular basis.

We are concerned with the shipment of Bruce Power's steam generators for seven key reasons summarized below including: 1. the failure to meet established national and international regulations; 2. the precedent rendering the CNSC powerless to limit future shipments; 3. the option of a safer, approved alternative plan; 4. the risks of recycling radioactive material into scrap metal; 5. the lack of meaningful consultation with First Nation communities; 6. the lack of a meaningful, national dialogue on critical issues raised by this shipment and; 7. the need to uphold the "precautionary principle" recognized in international law. With growing water scarcity and water stress around the world, it is imperative that the Canadian Nuclear Safety Commission (CNSC or Commission) makes prudent decisions concerning radioactive waste to ensure the preservation of freshwater sources for the use of current and future generations.

The shipment fails to meet the CNSC's *Packaging and Transport of Nuclear Substances Regulations* (PTNSR) and the International Atomic Energy Agency's *Regulations for the Safe Transport of Radioactive Material* (IAEA's RSTRM) (1996). Based on the size of the steam generators, Bruce Power is unable to meet the packaging requirements set out in section 5 of the PTNSR. Secondly, the total radioactive level exceeds the limits for inaccessible surfaces in the PTNSR and internationally recognized limit set out in the IAEA's RSTRM. We are extremely concerned that the CNSC will be disregarding (international) regulations to accommodate this shipment. Approving this project would open the door to similar shipments in the future that may also fail to meet the requirements of the PTNSR and the RSTRM. This is a precedent that can seriously threaten the Great Lakes as the world's largest freshwater source.

Although Bruce Power claims that these radioactive steam generators will only be shipped within Canadian, US and Swedish borders, an accident can affect several European countries particularly the UK, Norway and Denmark. These countries should have the opportunity to approve Bruce Power / Studsvik's shipment.

Under the North American Free Trade Agreement (NAFTA) and the Comprehensive Economic and Trade Agreement (CETA) between Europe and Canada, once the precedent of shipping radioactive waste is established, the Commission may be powerless to limit future shipments. Trade agreements such as these force countries to provide the same trade opportunities to foreign companies as they provide to their national or local companies. Under NAFTA and CETA, if the Commission denies approval for future shipments of this nature, foreign companies can sue Canada for compensation including projected profits.

It is entirely unnecessary to ship these radioactive steam generators through the Great Lakes, across the North Atlantic Ocean, through the North Sea and then back again to return the most radioactive parts of the steam generators to Ontario. Storing these radioactive steam generators on-site is already an approved alternative plan. Bruce Power has stated that Canada does not possess the technology to recycle these steam generators. However, it is unclear why Bruce Power must recycle these now as storing these on-site does not affect the refurbishment or operation of the Bruce Power reactors. It is possible that Canada acquire the technology to recycle these steam generators over the next 5, 10 or 20 years in which time the radioactivity levels will decrease.

However, as discussed below, we need to have a broader, national dialogue on whether we want to contribute to the radioactive scrap metal market. Bruce Power states that the metal from the steam generators will be decontaminated, melted down and sold back into the scrap metal market. The scrap metal will return to the market as consumer goods. We have serious concerns about scrap metal from radioactive sources entering the market. At the 2009 International Conference on Control and Management of Inadvertent Radioactive Material in

Scrap Metal, experts stated that “The presence of inadvertent radioactive materials...can pose potentially severe health, environmental, and financial consequences for the industry and the public alike.” Although a country’s guidelines on importing scrap may meet international standards, enforcement and monitoring is inadequate. The health risks of (long-term) exposure to radioactive scrap metal are well documented. Further, with Studsvik’s plant in Nyköping, the recycling of this radioactive waste will further pollute the waters of the Baltic Sea, which is already known as one of the most radioactive seas in the world.

We are also concerned about the lack of meaningful consultation with First Nations in the area. Bruce Power has stated that they consulted with the Saugeen Ojibway Nation (SON), Historic Saugeen Métis and Métis Nation of Ontario. The SON is opposed to the importation of nuclear waste into their traditional territory. Aside from the SON, Historic Saugeen Métis and Métis Nation of Ontario, Bruce Power has not reported any other consultations with First Nation communities in the area even though land and water in these territories could be polluted if an accident were to occur.

We believe that the Great Lakes, specifically, and water, in general, are part of the global commons (a shared entity) and a public trust. Any harm to water is a harm to the whole including the earth and humans. Before this shipment is approved, a broader and more meaningful national dialogue needs to take place over several critical questions raised by this shipment, some of which are outlined below. With the notion that water is a commons and that any decision that affects water affects us all, this dialogue should include municipalities along the Great Lakes and First Nation communities in the region as well as communities throughout Canada.

1. Do we want radioactive waste that exceeds legal limits or even radioactive waste in general to be shipped through national (and international) waters? Since water flows and does not respect national borders, polluted water outside of Canadian borders can return to Canadian rivers and lakes. As well, with growing water scarcity and water stress around the world, do we want to threaten dwindling water resources?
2. How much weight should be given to the positions of First Nations communities? Although the Saugeen Ojibway Nation has opposed trucking the steam generators through their traditional territory, Bruce Power and CNSC have disregarded their positions and are moving forward with the necessary steps to ship the generators to Sweden.
3. Although the scrap metal will remain in Sweden, it may return to Canadian markets as manufactured goods. Do we, as a nation, want to contribute to the circulation of scrap metal from radioactive sources given the health risks of long-term exposure?
4. Even if it does not return to Canadian markets, what legal and moral obligations do Canadians have in contributing to scrap metal that causes illnesses or health risks in other countries?



We encourage the CNSC to apply the “precautionary principle” to its decision on Bruce Power’s request for a licence under special arrangement. Principle 15 of the 1992 Rio Declaration on Environmental and Development gives a general description of this principle: “In order to protect the environment, the precautionary approach shall be widely applied by States according to their capabilities. Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation.” The “precautionary principle” is recognized by over 20 international treaties and agreements including the *Convention for the Protection of the Marine Environment of the North-East Atlantic* and the *Convention on the Protection of the Marine Environment of the Baltic Sea Area*.

The “precautionary principle” outlines several considerations for decisions affecting the environment and human health. International legal expert Jon M. Van Dyke states that this principle “accords respect to ecosystems and living creatures for their own sake, without requiring that they prove themselves to be useful or to have marketplace value. It rejects the idea that risks and costs can be transferred from one region to another, or from this generation to future ones.” We believe that recycling these radioactive stream generators does not simply transfer financial risks to Studsvik. This shipment also creates significant health, environmental and financial risks for communities along the Canadian and American transport routes and communities along the North Sea and the Baltic Sea. As highlighted by the “precautionary principle,” this shipment also creates significant risks to the health and natural environment of future generations.

It is unclear how this shipment benefits the general public and how these benefits outweigh the risks to the environment and human health. We urge the CNSC to deny approval to Bruce Power’s application in order to uphold established national and international regulations on shipping radioactive waste and to ensure that the CNSC can protect Canadians from any harmful shipments in the future. We ask the CNSC to keep radioactive scrap metal from entering the consumer market to protect the health of Canadians and countries around the world. We also call for broader, more meaningful dialogue with First Nation communities, Great Lakes’ municipalities and the rest of the Canadian public on this matter.

In addition to this written submission, the Council of Canadians is interested in presenting at the public hearing scheduled for September 29<sup>th</sup>, 2010. I will be presenting on behalf of the Council and look forward to discussing these points at the hearing.

Sincerely,

Emma Lui  
Council of Canadians