

Theresa McClenaghan

File Bruce A

From: <shawn.patrick.stensil@yto.greenpeace.org>
To: <rad-waste@list.web.ca>
Sent: Monday, January 09, 2006 11:46 AM
Subject: [Rad-waste] Request for Public - Bruce A

Request for Public Comment
Draft Screening Report
Proposed Bruce A Refurbishment for Life Extension and Continued Operations Project
- Bruce A Nuclear Generating Station

The Canadian Nuclear Safety Commission (CNSC) invites public comment on the Draft Screening Report concerning the Environmental Assessment of the proposed Bruce A Refurbishment for Life Extension and Continued Operations Project at Bruce A Nuclear Generating Station in the Municipality of Kincardine near Tiverton, Ontario. This environmental assessment is being conducted pursuant to the requirements of the Canadian Environmental Assessment Act.

The Draft Screening Report is based on an Environmental Assessment Study Report prepared by Bruce Power in response to Environmental Assessment Guidelines approved and issued by the Commission on July 14, 2005.

Interested parties should address their written comments to the CNSC environmental assessment project manager at the address indicated below. The public comment period ends February 10, 2006. CNSC staff will review comments and address all comments received before finalizing the Screening Report and forwarding it to the Commission for approval and decision under the Canadian Environmental Assessment Act. All comments received regarding the Screening Report are considered public information.

Copies of the Draft Screening Report, the Environmental Assessment Study Report and information on the project are available at the following locations:

Canadian Nuclear Safety Commission Library
280 Slater Street, 2nd Floor
Ottawa, ON
K1P 5S9 Walkerton Public Library
253 Durham Street East
Walkerton, ON
N0G 2V0

Kincardine Public Library
727 Queen Street
Kincardine, ON
N2Z 1Z9 Paisley Public Library
274 Queen Street North
Paisley, ON
N0G 2N0

Port Elgin Public Library
708 Goderich Street
Port Elgin, ON
N2H 2C0

Bruce Power Visitor's Centre
Bruce Township Concession #4
Tiverton, ON
N0G 2T0
Tiverton Public Library
56 King Street
Tiverton, ON
N2G 2T0 Hanover Public Library
451-10th Avenue
Hanover, ON
H4N 2P1
Southampton Public Library
215 High Street
Southampton, ON
N0H 2L0
Owen Sound Public Library
824 First Avenue West
Owen Sound, ON
N4K 4K4

Written comments on the Draft Screening Report document should be submitted by regular mail or email by February 10, 2006 to:

Liana Hrnecir
Environmental Assessment Officer
Canadian Nuclear Safety Commission
P.O. Box 1046, Station B
Ottawa, ON
K1P 5S9

Phone: 1-800-668-5284
E-mail: ceaainfo@cnsc-ccsn.gc.ca

For more information on the environmental assessment process, please refer to the Canadian Environmental Assessment Agency web site at www.cea-acee.gc.ca.

The CNSC regulates the use of nuclear energy and materials to protect health, safety, security and the environment and to respect Canada's international commitments on the peaceful use of nuclear energy.

Rad-waste mailing list
Rad-waste@list.web.net
<http://list.web.net/lists/listinfo/rad-waste>

SA.
[Signature]

Theresa McClenaghan

From: <shawn.patrick.stensil@yto.greenpeace.org>
To: "Theresa McClenaghan" <mcclenaghan@execulink.com>
Sent: Wednesday, July 20, 2005 5:49 PM
Attach: Lepreau letter2000.pdf
Subject: Re: copy of letter to minister?

Theresa,

This is helpful. I find it disturbing that we have only 30 days to respond to administrative decisions. Geez. How would the public even know that the decision had been made (this was from an access to information request).

One thing that I failed to mention in my last email is that Point Lepreau is up for a licence renewal this Fall (Licence expires December 31st). Thus, the CNSC will be making a licensing decision (potential CEAA trigger). I was thinking that we could send a letter to Lord saying that we planned to challenge the CNSC's implementation of CEAA at the Fall licencing hearings. So as I said, this could be blowing smoke, but the putting doubt into Lord's mind would be a good thing before he makes this decision. It would be best to do this as effectively as possible, however.

Last night I was thinking that whether staff have made a decision or not, we could still say we were going to complain based on the 2000 letter that staff sent (see attached) where the CNSC gives NB power a choice 1) the CNSC consult and draw up regulations or 2) the NB Power anticipate the CNSC's expectations and adhere to this expectation. We could complain that the CNSC staff have yet again failed to consult the public on what standards for refurbishment should be or something.

Anyhow, I'm looking for advice.....as you know.

Either way, we should prepare for the licencing hearing this fall and Gentilly next year. I can help with research and access requests to help build get you info.

When should we talk tomorrow.

On 20 Jul 2005 at 16:58, Theresa McClenaghan wrote:

From: "Theresa McClenaghan" <mcclenaghan@execulink.com>
To: <shawn.patrick.stensil@mail.yto.ca.gl3>
Subject: Re: copy of letter to minister?
Date sent: Wed, 20 Jul 2005 16:58:19 -0400

Ok so I finally have my head around the CNSC letters and Lepreau / Gentilly. The question of whether the determination that the refurbishment is exempt because of a prior EA is quite complex and would require thorough review of

the prior EA and the current proposals. The ICUCEC case and Red Hill cases, both of which I was involved in, are relevant too, but it would take a fair bit of time and analysis to review the proposals for a proper opinion.

Also there is a time limit issue under the federal rules to challenge an administrative decision like this, of 30 days which we are beyond. In any event, these types of challenges are extremely intensive, expensive and bear huge cost consequences against you if we don't win. Much better idea is your idea that Gentilly-2 may require a full EA with the refurbishment trigger because the exemption won't apply.

If your only goal is to raise doubts, then it would certainly be reasonable to do a letter questioning the validity of the determination that CEAA does not apply to the refurbishment approvals for Pt. Lepreau. it would be necessary to delineate what the original EA did cover and how it did not cover refurbishment; and that refurbishment would be a CEAA trigger but for the alleged exemption. You'd have to have looked at the original EA to be sure of this.

I think the good public / political point is the one you make that there was misunderstanding by the public (or misleading of them) in that they were never invited to comment on the environmental effects of rebuilding the reactor. In theory it's also possible to make this the subject of a JR (it would be a similar point to our MOX litigation where fed govt consulted on transport, told communities they would not fly the MOX and then did fly the MOX - federal gov't resolved it by re-consulting with that option thus settling that litigation) but again you would face the same issue of time limit and time, complexity, costs of litigation etc.

I will be in the office tomorrow; have a couple of meetings, but call when you can and I'll call back if I'm out of my office right then. 416-960-2284 ext. 218

Theresa McClenaghan, Counsel,
Canadian Environmental Law Association
301-130 Spadina Ave., Toronto, ON M5V 2L4

T:416-960-2284 ext.218 F:416-960-9392
mcclenat@lao.on.ca

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CELA's Library website: www.ecolawinfo.org

Confidentiality Note: This message may be subject to solicitor - client privilege. If you have received this message in error, please let me know by reply email, and delete your copy. Thank you.

----- Original Message -----

From: <shawn.patrick.stensil@yto.greenpeace.org>
To: "Theresa McClenaghan" <mcclenaghan@execulink.com>
Sent: Wednesday, July 20, 2005 11:29 AM
Subject: Re: copy of letter to minister?

Nope. In between nuclear stuff, I haven't sent it out. I'll send it to the list now.

On another note, when could you talk about Lepreau? We are in the end game scenario for Lepreau - Lord will announce a decision next Friday, with, I think, a cabinet meeting next Thursday.

I was thinking that if we can do anything in the news that would insinuate that we would cause regulatory problems at the licencing hearings it could put more doubt/fear in the minds of cabinet. It could be blowing smoke(as you'll see, CNSC staff have done a reanalysis that based on all the other EAs, Lepreau doesn't need one), but I think we need a good line.

I think we could do this as a letter to Lord (By say Tuesday) that we release to the media so that it shows up in the new Brunswick Press the day of cabinet meeting.

Anyhow, CELA's advice would be great on this.

On 20 Jul 2005 at 11:10, Theresa McClenaghan wrote:

From: "Theresa McClenaghan" <mcclenaghan@execulink.com>
To: <shawn.patrick.stensil@mail.yto.ca.gl3>
Subject: copy of letter to minister?
Date sent: Wed, 20 Jul 2005 11:10:39 -0400

Albert Koehl is asking for a copy of the letter we sent the Mminister and I don't recall off hand if you already circulated it to all of us; do you mind sending it around to make sure? Thanks. Theresa
Theresa McClenaghan, Counsel,
Canadian Environmental Law Association
301-130 Spadina Ave., Toronto, ON M5V 2L4

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CELA's Library website: www.ecolawinfo.org

Confidentiality Note: This message may be subject to solicitor - client privilege. If you have received this message in error, please let me know by reply email, and delete your copy. Thank you.

Shawn-Patrick Stensil
Energy Campaigner/Responsable de la campagne énergie
Greenpeace Canada
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---- File information -----
File: Lepreau letter2000.pdf
Date: 20 Jul 2005, 17:15
Size: 64424 bytes.
Type: Unknown

7/21/2005



Canadian Nuclear
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780031

Your file / Votre référence

Our file / Notre référence

26-1-12-1-0

Directorate of Reactor Regulation

October 30, 2000

Mr. Rod White
Vice-President, Nuclear
New Brunswick Power
P.O. Box 2000, 500 King Street
Fredericton, N.B.
E3B 4X1

Subject: Point Lepreau Generating Station Refurbishment

Dear Mr. White:

Further to your letter of 27 June 2000 and the presentation to CNSC staff on 21 September 2000, the CNSC staff's preliminary views on the regulatory aspects of the proposed Point Lepreau refurbishment are as follows.

You have advised us that the refurbishment of the reactor plant is being considered to extend the lifetime beyond that which was generally understood at the time the operating licence was originally granted. Also, you wish to minimize the regulatory uncertainty associated with this long term future operation prior to making the final decision for refurbishment.

CNSC has no regulatory requirements or policies in place which specifically covers plant refurbishment for the purpose of life extension. The lack of such specific requirements reflects a regulatory risk to your project. Following are two ways in which this risk might be minimized:

1. CNSC prepares policies and requirements that clearly state in a prescriptive manner what should be done in such situations. Experience has shown, however, that introducing new requirements of this type with the attendant need for extensive consultation with both the industry and the public is not an activity which can be completed in the short term. It seems unlikely that the time required would be consistent with your proposed schedule for decision making.

Public
input

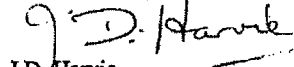
Canada

2. New Brunswick Power anticipates CNSC future requirements and voluntarily account for changes which have occurred since original licensing as well as changes which we can see are likely to occur in future. We suggest that if you decide to follow this approach, one of the key activities would be the early completion of a Periodic Safety Review similar to those carried out in a number of Western Countries and as described in IAEA 50-SG-012, *Periodic Safety Review of Operational Nuclear Power Plants*. If this were done, we believe that the prospects for regulatory certainty for the whole period of the life extension would be much improved.

We should be pleased to discuss the above and any other points with you and your staff at an early date. As you pointed out in your September presentation, there will be several topics for discussion between us in addition to those around Periodic Safety Review. We anticipate a series of working level meetings to reach a common understanding with respect to the requirements of the project.

In your letter you requested that CNSC identify a point of contact for the refurbishment project. I am taking this opportunity to advise you that Mr. P.G. Hawley will act be the initial CNSC lead contact person in Ottawa for this project and Mr. J. Detorakis, Project Officer, Power Reactor Operations Division will act as an on-site contact.

Yours sincerely,



J.D. Harvie
Director General

Greenpeace
S.A.**Theresa McClenaghan**

From: <shawn.patrick.stensil@yto.greenpeace.org>
To: "theresa McClenaghan" <mcclenaghan@execulink.com>
Sent: Tuesday, July 12, 2005 3:16 PM
Attach: -.dat; -.dat
Subject: (Fwd) Re: ATI request

Theresa,

So according to Phillip, even the CNSC's letter asking for information from Justice is protected by solicitor client privilege. Is this true? That seems a little much that they would withhold even the request letter.

----- Forwarded message follows -----

Date sent: Tue, 12 Jul 2005 15:10:44 -0400
From: "Philip Dubuc" <Dubucp@cnsccsn.gc.ca>
To: <shawn.patrick.stensil@mail.yto.ca.gl3>
Subject: Re: ATI request

Shawn Patrick,

As noted I'm looking into whether or not there was correspondence missing from the package provided by the responsible directorates. I'll get back to you on that ASAP. As for the request for advice, like I noted in my earlier message, communication between the client and the solicitor for the purposes of providing or requesting legal advice falls under the solicitor-client privilege. This means that the request for legal advice is also protected by the privilege.

Thanks
 Philip Dubuc
 Senior Advisor
 Access to Information and Privacy

>>> <shawn.patrick.stensil@yto.greenpeace.org> 2005-07-12 2:37:16 PM >>>
 Hi Phillip, and thanks.

I would assume, however, that the CNSC would have sent a letter TO the department of Justice. I presume that this should not be protected, given it is simply the request letter.

I'm just following up on this because I find it extremely odd that there is NO internal analysis or communication surrounding this fairly important legal advice. Of course, it may be that everything was done orally to avoid a paper trail. One would think that there was some internal correspondence between staff when they identified the NEED to ask for such legal advice. The information I have so far, however, contains no information from 2004 when the CNSC made this legal request. I find this odd.

7/12/2005

SP

On 12 Jul 2005 at 14:24, Philip Dubuc wrote:

Date sent: Tue, 12 Jul 2005 14:24:00 -0400
From: "Philip Dubuc" <Dubucp@cnsccsn.gc.ca>
To: <shawn.patrick.stensil@mail.yto.ca.g13>
Subject: Re: ATI request

Good afternoon Shawn Patrick,

It is my understanding that the CNSC requested a legal opinion from its solicitor and did not have any direct communication with CEAA legal services. Any communication regarding the legal opinion would have taken place between Department of Justice lawyers representing the CNSC and CEAA. The CNSC does not have control of Justice records and therefore a request for those records would have to be made to the Dept. of Justice. You should note that communication between the client and the solicitor for the purposes of providing or requesting legal advice falls under the solicitor-client privilege. The privilege also extends to material prepared by or for the solicitor expressly for the purpose of providing advice or presenting a case in court. As for internal memorandum on the subject, the responsible Directorates were sent a retrieval memorandum with the text of the request and they provided me with the records that were sent to you. I will check with them again to make sure that all internal memoranda were included.

Thanks
Philip Dubuc
Senior Advisor
Access to Information and Privacy

>>> <shawn.patrick.stensil@yto.greenpeace.org> 2005-07-12 12:57:44 PM >>>

Hi Philip,

I received the first package from my access to information request. Thanks very much.

I would like to confirm, however, that the request did not concern solely information between the CNSC and licencees.

In my letter I state:

"I am therefore making a formal request under the Access to Information Act for copies of all correspondence between the CNSC and CEAA in regard to this subject as well as any internal CNSC memos concerning this topic."

That is, I'm looking for information around the request for advice from the CNSC to CEAA regarding refurbishment. As you know, Guy Riverin initially

7/12/2005

refused to give me this legal advice so I submitted the ATO request.

I know that I the legal advice may be withheld, but I would expect that some of the correspondence surrounding it (such as the CNSC's request letter to CEAA) would be made available.

Please confirm that this was read into my request.

Cheers.

Shawn-Patrick Stensil

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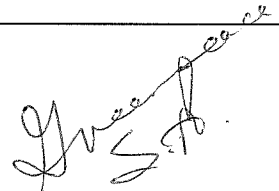
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----- End of forwarded message -----

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Theresa McClenaghan

From: <shawn.patrick.stensil@yto.greenpeace.org>
To: "Theresa McClenaghan" <mcclenaghan@execulink.com>
Sent: Tuesday, July 12, 2005 12:19 PM
Attach: CNSCLepreaEUdocs.pdf
Subject: CEAA and refurbishment



Hi Theresesa,

So I was about to send you an email today, asking you the implications of a responsible authority not scoping a project correctly. Specifically, as we've discussed in the past the CNSC consider the trigger for the EA on Lepreau to be the modification of the of the licence to expand the waste site in anticipation of the the refurbishment of Lepreau. CNSC scoped this assessment to included: the expansion of the waste site, activities from the moment that wastes are produced in the refurbishment and the incremental enviromental effect of the continued operation of the station.

The refurbishment was not considered the primary project.

So, if the CNSC failed to identify a licence trigger and carried out an EA, leaving relatively small parts of the undertaking unaccessed, what would the implications be? That is, what are the buttons we should push to screw this process up?

Anyhow, I was going to ask you all this when I received an initial response to my access to information request. CNSC sent a letter in April indicating that there initial assessment was off, but then responded in June saying that because of past EAs no new assessment will be needed.

This seems to bode badly for Lepreau, but it may be useful for screwing up the Gentilly-2 refurbishment. I don't believe that there was every a full EA on Gentilly-2. For Lepreau, they're using the excuse (the exclusions list) that since there was an EA on Lepreau in 75 they don't need one now. To opposite could be true for Gentilly-2!

Other than that, however, we could perhaps build a case that the screening EA on the waste expansion doesn't count for public consultation because it mislead the public - people would intervene if they understood that it was about REBUILDING the reactor and not simply expanding the waste site.

Anyhow, the two letter I mentioned are attached.

Let me know what you think.

SP

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7/12/2005

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---- File information -----

File: CNSCLepreaEUdocs.pdf

Date: 12 Jul 2005, 11:54

Size: 167677 bytes.

Type: Unknown



Canadian Nuclear
Safety Commission

Commission canadienne
de sûreté nucléaire

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CNSC

CCSN



1270002

Your file Votre référence

Our file Notre référence

Directorate of Power Reactor Regulation

26-1-12-1-8

June 7, 2005

Mr. W.S. Pilkington
Acting Vice-President Nuclear
New Brunswick Power Nuclear
Point Lepreau Nuclear Generating Station
P.O. Box 600
Lepreau NB
E3B 4X1

**Subject: CNSC Determination - Environmental Assessment of Proposed
Refurbishment of Point Lepreau Nuclear Generating Station**

Dear Mr. Pilkington:

Canadian Nuclear Safety Commission (CNSC) staff has determined that an assessment pursuant to the *Canadian Environmental Assessment Act* for refurbishment and continued operation of the Point Lepreau Nuclear Generating Station is not required.

CNSC staff reviewed the two previous environmental assessments conducted on Point Lepreau 1, the first in May 1975 under the *Environmental Assessment Review Process Guidelines Order* and the second in 2003, the Solid Radioactive Waste Management Facility Modifications Environmental Assessment Study Report, under the *Canadian Environmental Assessment Act* (CEAA), to determine whether there were gaps that would need to be addressed in a modified environmental assessment for refurbishment and continued operation. Staff concluded that the assessments meet the legal requirements of the CEAA.

The effects of refurbishment and continued operation of the reactor as assessed in 2003 can be excluded under *Exclusion List Regulations*, Schedule I, Part I, item 2; and the effects of accidents and malfunctions associated with the operation of the reactor, as assessed by a Panel in 1975, can be excluded under *Exclusion List Regulations*, Schedule I, Part I, item 2.1(1). [Full text of these items is included in the attached "Extracts".] As a result, the proposed refurbishment and continued operation of the reactor is excluded from the requirement for an environmental assessment pursuant to the CEAA.

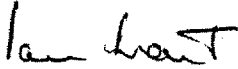
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v. arguable that
refurbishment not
caught
from
see
that

Should you have any questions, please do not hesitate to contact Mr. Ken Lafrenière, Director, Gentilly-2/Point Lepreau Regulatory Program Division at (613) 995-6163.

Sincerely,



Ian M. Grant
Director General

c.c.: NBPN: P.D. Thompson, D.J. Wilson, J. Connell
CNSC: J.K. Pereira, B.D. Howden, P.A. Thompson, K.J. Lafrenière, J.M. Brake,
B.R. Poulet, N.S. Blackman

Reference:

Letter I.M. Grant to R. White, "Environmental Assessment of Proposed Refurbishment of Point Lepreau Generating Station", April 1, 2005, BITS #980451.

37-SL

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Extracts from the Exclusion List Regulations

Schedule I, Part I, item 2:

2. The proposed operation of an existing physical work that is the same as an operation for which an environmental assessment has been previously conducted under either the *Canadian Environmental Assessment Act* or the *Environmental Assessment Review Process Guidelines Order* where

(a) as a result of the assessment, the environmental effects have been determined to be insignificant, taking into account the implementation of mitigation measures, if any; and

(b) the mitigation measures and follow-up program, if any, have been substantially implemented.

Schedule I, Part I, item 2.1(1):

2.1 (1) The proposed continued operation of an existing physical work where

(a) the operation is the same as the existing operation and there is no interruption between the existing and proposed operations;

(b) the existing operation has been determined by a federal authority to be unlikely to cause significant adverse environmental effects, taking into account the implementation of mitigation measures, if any; and

(b) the mitigation measures and follow-up program, if any, have been substantially implemented.

000017



Canadian Nuclear
Safety Commission

Commission canadienne
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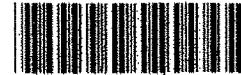
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CNSC

CCSN



980451

Your file

Votre référence

Our file

Notre référence

Directorate of Power Reactor Regulation

April 1, 2005

26-1-12-1-8

Mr. R. White
Vice-President Nuclear
New Brunswick Power Nuclear
P.O. Box 2000
515 King Street
Fredericton, N.B.
E3B 4X1

**Subject: Environmental Assessment of Proposed Refurbishment of Point
Lepreau Generating Station**

Dear Mr. White:

This letter follows our telephone conversation on February 24, 2005 and our discussion in person during the CNA seminar on March 11.

During these conversations I informed you that Canadian Nuclear Safety Commission (CNSC) staff is re-examining the requirement for an Environmental Assessment (EA) under the *Canadian Environmental Assessment Act* (CEAA) for the refurbishment and continued operation of Point Lepreau Generating Station (PLGS).

As you know, NBPN was previously subject to an EA under the *CEAA* for the modification of the Solid Radioactive Waste Management Facility (SRWMF) that supports the proposed refurbishment of PLGS.

The Commission held hearings on the EA guidelines and the EA screening report on May 27, 2002 and June 27, 2003, respectively. The hearing transcripts show that the Commission's decisions to accept the guidelines and the screening report for the SRWMF followed advice from staff that "...the proposal did not require a licensing action for the nuclear generating station which would trigger the Canadian Environmental Assessment Act..."

As a result, the refurbishment and continued operation of PLGS were not formally included within the scope of the project that was assessed.

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Canada

CNSC staff had previously informed NB Power that it did not see a need to recommend to the Commission that the operating licence be revoked or modified due to or during the proposed refurbishment.

Staff noted also that an amendment to the OP&Ps referenced in the licence would be necessary. Further, staff noted that the return to power of PLGS will have regulatory requirements outside the scope of the OP&Ps that would be linked to the successful completion of an adequate commissioning program for safety and safety related systems. The statements contemplated approvals under the power reactor operating licence.

CNSC staff has recognized that approvals granted under a license are "approvals" pursuant to paragraph 5(1)(d) of CEAA and therefore may be "triggers" for an EA if it is determined that the approval enables a project to be carried out. If so, an EA would be required for refurbishment and continued operation of PLGS. Staff is also aware that previous EAs may have covered certain aspects of the refurbishment and continued operation of PLGS. If so, no further EA may be required to cover those aspects.

In the light of this information, CNSC staff intends to undertake the following action:

1. Identify the licence amendments and approvals under the licence that NB Power needs to obtain for the refurbishment, restart, and continued operation of PLGS.
2. Review the existing EAs against the project description to determine whether there are gaps that would need to be addressed in a modified EA for refurbishment and continued operation.

At this time, CNSC staff has reached no decision on the need for further action. Staff proposes to determine what action, if any, should be taken on the basis of the outcome of its review.

I believe it is important to resolve this matter effectively. Therefore I would invite you to meet with CNSC senior management and legal counsel at a mutually convenient time to review the issues and to ensure a common understanding.

Sincerely,



Ian M. Grant
Director General

000013

Mr. R. White

-3-

April 1, 2005

Bcc J.K. Pereira, J. Detorakis, K. Lafreniere, C. David, P. Thompson, J. Lavoie

000014

From: "Theresa McClenaghan" <mcclenaghan@execulink.com>
To: <tuckert@lao.on.ca>
Subject: Fw: Bruce EA Correspondence
Date: Wed, 6 Apr 2005 16:41:12 -0600

Tracy please print these attachments and put on my chair. Thanks! Theresa
Theresa McClenaghan, Counsel,
Canadian Environmental Law Association
301-130 Spadina Ave., Toronto, ON M5V 2L4

T:416-960-2284 ext.218 F:416-960-9392
mcclenat@lao.on.ca

Home office email mcclenaghan@execulink.com
Home office telephone 519-442-1589

CELA's Library website: www.ecolawinfo.org

Confidentiality Note: This message may
be subject to solicitor - client privilege.
If you have received this message in error,
please let me know by reply email, and
delete your copy. Thank you.

----- Original Message -----

From: <shawn.patrick.stensil@yto.greenpeace.org>
To: "Theresa McClenaghan" <mcclenaghan@execulink.com>
Cc: "dave Martin" <dave.martin@yto.greenpeace.org>
Sent: Tuesday, April 05, 2005 11:01 AM
Subject: Bruce EA Correspondence

> Theresa and Dave,
>
> My ongoing quest for CNSC documents has turned up these two documents.
> The
> letter from Golder and Associates is quiet useful.
>
> The letter from Golder and Associates is the minutes of a meeting between
> OPG,
> Bruce and the CNSC staff in regard to the scope of the Bruce
> refurbishment. It's quiet
> interesting because they lay out the various licensing assumptions that
> are built into the
> EA process.
>
> SP
>

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> you should be able to save it or view it from within your mailer.
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>
> ---- File information -----
> File: Bruce A Power Point.pdf
> Date: 5 Apr 2005, 12:55
> Size: 56471 bytes.
> Type: Unknown
>

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> ---- File information -----
> File: Golder Letter-minutes EA meeting.pdf
> Date: 5 Apr 2005, 12:55
> Size: 268911 bytes.
> Type: Unknown
>

Bruce 1 & 2 Return to Service

Bruce Power - CNSC - OPG - Golder Associates

Meeting 27 July 04



What

- Bruce A Units 1 and 2 RTS project 'equals'
 - Unit 3 and 4 RTS project
 - Boiler replacement
 - PT/CT replacement
 - Life Cycle Management for 25+ years of safe, reliable energy

Current Status

- Gaps yet to fill / risk yet to mitigate before Board approval for project 'launch'
 - Scope
 - Cost
 - Schedule
 - Labour union concerns
 - return on investment agreement
- Key work continuing to resolve above
 - potentially 3 to 12 months est.
- Other key work progressing
 - Unit 4 Boiler replacement

5

Bruce Power

Message

- Bruce Power can ill afford to defer progress on the EA
 - Unit 4 boiler waste may be the driver for WWMF expansion
 - Unit 1 and 2 RTS project is far from dead!
 - Continue with plan to develop EA Project Description

6

Bruce Power

WWMF Expansion

Expansion of WWMF to accommodate additional low and intermediate level radioactive wastes

1

Track and Process

WWMF:

- Precedent in LLSB EAs
- Project is for expansion of facilities entirely within existing licensed site
- Assume screening track
- Assume Designated Officer decision on EA Guidelines and Screening Report

2

Scope Concepts for the WWMF

- OPG's WWMF is an existing licensed facility, covering the interim storage of all low and intermediate level operational wastes;
- Current facilities are insufficient to accommodate the full range of radioactive wastes arising from nuclear plant refurbishment activities;
- Wastes arising from proposed refurbishment activities are similar to the radiation source terms of wastes currently managed at the WWMF; and
- OPG needs construction approval to expand interim storage structures within the boundary of the existing licensed facility, to accommodate low and intermediate level wastes arising from refurbishment activities that may occur out to 2017.

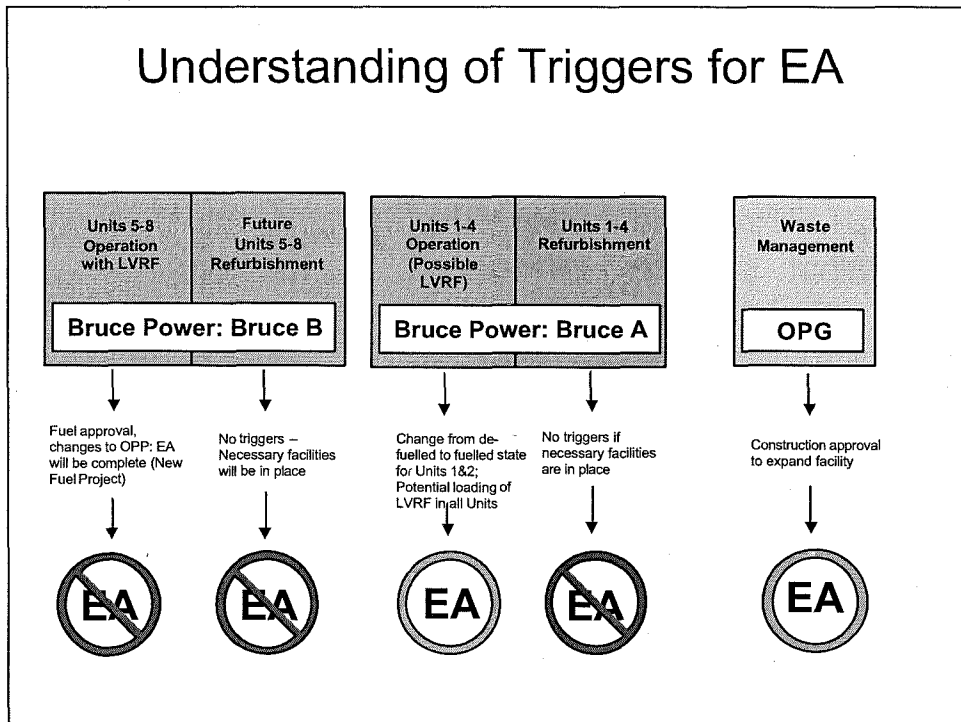
5

Scope of the Project for WWMF

- Expand the WWMF within the boundary of the existing licensed facility, by constructing additional storage structures, on an as needed basis, for the interim storage of low and intermediate level radioactive waste from reactor refurbishment and associated operations.
- Operate the expanded WWMF, including the full range of interim low and intermediate waste management facilities and associated equipment, systems and services, until a long-term management facility is available.

6

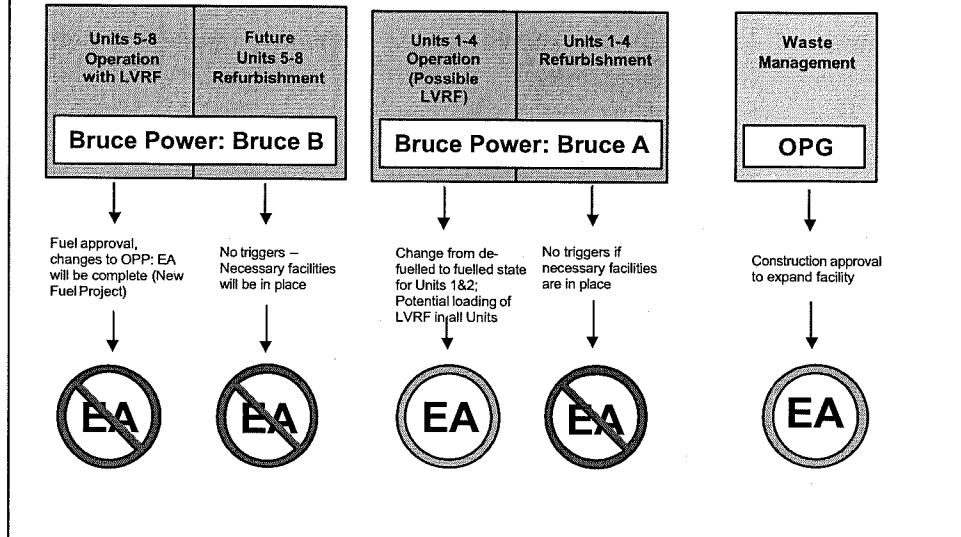
Understanding of Triggers for EA



Unit 4 Steam Generators

- Unit 4 Steam Generator Replacement
- What:
 - Replace 8 steam generators ~2007 to 2010
 - Generate wastes (old steam generators)
- Assumptions:
 - Bruce A license allows this maintenance activity
 - Options exist at time of replacement for managing the waste within existing licenses (~2007 to 2010)
 - On-site at Bruce A (no new construction)
 - WWMF in existing facility (no new construction)
 - No EA

Understanding of Triggers for EA



Scope of the Bruce A EA

- The project subject to environmental assessment approval consists of fuelling Bruce Units 1&2, restarting and operating Bruce Units 1&2, potentially fuelling Bruce A reactors with Low Void Reactivity Fuel and operating all Bruce A reactors through the remainder of their extended operating lives.
- The project subject to environmental assessment approval does not include carrying out maintenance and refurbishment activities permitted by the existing license

Golder Associates Ltd.

2390 Argentia Road
Mississauga, Ontario, Canada L5N 5Z7
Telephone: (905) 567-4444
Fax: (905) 567-6561



July 30, 2004

04-1112-043

Bruce Power L.P.
P.O. Box 3000
Tiverton, Ontario
N0G 2T0

Attention: Mr. Jim Hilbig, Bldg B03

**RE: JULY 27TH MEETING WITH OPG AND CNSC STAFF ON BRUCE A UNITS
1&2 AND OPG WWMF EXPANSION ENVIRONMENTAL ASSESSMENTS**

Dear Mr. Hilbig:

The following constitute our notes from the meeting held with representatives of the Canadian Nuclear Safety Commission (CNSC), Ontario Power Generation and yourself on July 27th, 2004. We are circulating these notes to all meeting participants for comment to help ensure thorough and fair coverage of the issues discussed and the action items decided upon.

The meeting, held in Golder's Toronto office, was convened to provide a status update on Bruce Power and OPG projects, to clarify aspects of expected environmental assessments and to organize the next steps for all parties. Seven persons attended, as follows:

- Philippe Paquette (CNSC);
- Guy Riverin (CNSC);
- Angelo Castellan (OPG);
- John Peters (OPG);
- Duncan Moffett (Golder);
- Daniela Schulze (Golder); and
- Pete Craig (Golder).

The meeting covered the following points:

- The roles of yourself and Mr. Castellan;
- Bruce Power project status and need to continue moving forward with the environmental assessment (EA);
- OPG Western Waste Management Facility (WWMF) EA status;
- Overview of EAs;
- Triggers and scope for Bruce Power EA; and
- Next steps.



complete project descriptions that facilitate the rapid issuance of guidelines once formal intent to proceed is expressed.

SUBJECT – OPG WWMF EXPANSION

Mr. Peters reviewed the status of, and assumptions underlying, OPG's EA for WWMF expansion. The presentation was essentially identical to that given informally to CNSC staff in Ottawa on July 8, 2004.

Several aspects of the EA were clarified:

- OPG's project for the EA will be the construction of facilities necessary to manage low and intermediate radioactive waste from all Ontario nuclear facilities, including buildings to house Bruce Power steam generators, pressure tubes and calandria tubes;
- Refurbishment wastes from Pickering or Darlington will not be considered;
- The EA will cover expansion to the maximum extent possible within the current licensed facility boundary; and
- The EA is being used as a planning tool, and will be as flexible as possible, potentially providing for the eventual use of such facilities as lay-down pads.

SUBJECT – TRIGGERS FOR EA AND ACTIVITIES THAT CAN PROCEED BEFORE EA APPROVAL

Golder revisited triggers for the EA of the Return to Service project discussed informally with CNSC staff in Ottawa on July 8, 2004. In an effort to clarify what activities required an EA and to explore what activities could commence before EA approval, several hypothetical scenarios were advanced.

- Concerns about project splitting were noted;
- CNSC staff noted that their input was non-binding and that eventual recourse to discussions between legal departments might be required;
- The EAs need to be representative of current facilities at any given time;
- Maintenance does not normally require an EA, and it was specifically agreed that, so long as adequate waste management facilities are in place at time of need, that replacement of steam generators on an operating reactor like Bruce Unit 4 would not require an EA;

The above summarizes what we believe were the most significant points of discussion. We look forward to the comments we hope to receive on this summary from meeting participants.

GOLDER ASSOCIATES LTD.

Original signed by:

Duncan Moffett, Principal

PC/DM/spc

Attach.: as noted above

cc : Philippe Paquette (CNSC)
Guy Riverin (CNSC)
Angelo Castellan (OPG)
John Peters (OPG)
Duncan Moffett (Golder)
Daniela Schulze (Golder)
Pete Craig (Golder)

n:\active\2004\1112\04-1112-043 - bruce power-units 1&2 restart ea-kincardine\27july04 cns-c-opg-gal-bp to\27jul04 draft notes 041112043 29jul04.doc

Theresa McClenaghan

From: <shawn.patrick.stensil@yto.greenpeace.org>
To: "theresa McClenaghan" <mcclenaghan@execulink.com>
Sent: Monday, April 11, 2005 10:27 AM
Subject: Bruce Letter

Hi Theresa, I was wondering if you had had a chance to review that letter from Golder and Associates I sent last week. There's some interesting comments in it regarding staff's fear of 'Project Splitting.'

I'm also trying to get my heard around what this statement means - 'Schedule uncertainty makes it prudent to proceed with EA to avoid becoming 'critical path'.

They use the word 'critical path' a bunch of times.

Anyhow, let me know. I'm developing some points to send out to people.

Cheers.

Shawn-Patrick

Shawn-Patrick Stensil
Energy Campaigner/Responsable de la campagne énergie
Greenpeace Canada
Tel: 416-597-8408 ex 3013 Cell: 416-884-7053
Fax: 416-597-8422
250 Dundas St. W., Suite 605
Toronto, Ontario, Canada
M5T 2Z5

Theresa McClenaghan

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To: "theresa McClenaghan" <mcclenaghan@execulink.com>
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Shawn-Patrick

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250 Dundas St. W., Suite 605
Toronto, Ontario, Canada
M5T 2Z5

Theresa McClenaghan

From: <shawn.patrick.stensil@yto.greenpeace.org>
To: <mcclenaghan@execulink.com>
Sent: Friday, March 11, 2005 1:18 PM
Subject: Bruce Hearings

Hi Theresa, just a note to say that I've landed in Toronto. Could you please put this email - shawn.patrick.stensil@yto.greenpeace.org - on the Energy Vision email list.

In other news, you will find below the announcement for the hearings on the draft EA guidelines at Bruce. We should discuss further the idea of filing a complaint with the Parliamentary Commissioner the day of the hearings.

My new number is 416-597-8408 ex 3013

Cheers

Shawn-Patrick Stensil

February 22, 2005 Ref. 2005-H-5

The Canadian Nuclear Safety Commission (CNSC) will hold a one-day public hearing on the Environmental Assessment Guidelines (EA Guidelines) for the proposed restart of reactor Units 1 and 2 at the Bruce A Nuclear Generating Station (NGS) and extension of their projected operating life until 2043. The proposal also includes the potential extension of the projected operating life of reactor Units 3 and 4 until 2043 and the potential use of Low Void Reactivity Fuel in all four units at Bruce A NGS.

One-Day Hearing: May 19, 2005

Place: CNSC Public Hearing Room, 14th Floor, 280 Slater Street, Ottawa, Ontario

Public hearings begin at 8:30 AM and follow the agenda published prior to the hearing date.

Bruce Power Inc. (Bruce Power) has notified the CNSC of its intent to apply for authorization to complete the repairs and modifications necessary to restart Bruce A NGS Units 1 and 2 and extend their projected operating life to 2043. Units 1 and 2 are currently in a secure shutdown state. Bruce Power is also seeking permission for the possible extension of the projected operating life of reactor Units 3 and 4 which were returned to service in 2003, and for the possible use of low-reactivity fuel in all four units at the Bruce A NGS. Under the *Canadian Environmental Assessment Act*, the CNSC must complete an environmental assessment of the project before deciding whether to proceed with a licensing decision on Bruce Power's application. Based on the results of the environmental assessment, the CNSC must determine if the project is likely to cause significant adverse environmental effects, taking into account the application of appropriate mitigation measures.

If the EA Guidelines are approved, the Commission will later hold a public hearing on the results of the environmental assessment prepared in accordance with the approved EA Guidelines and, at a further date, a public hearing on the licence application.

The public is invited to comment on the EA Guidelines either by oral presentation or written submission, or can simply observe the public hearings. The draft EA Guidelines (scoping document) will be made available to the public on March 18, 2005. Requests to participate (interventions) and text of oral presentations or written submissions must be filed with the Secretary of the Commission by April 19, 2005 at the address below.

Agendas and information on the hearing process are available at the CNSC Web site: www.nuclearsafety.gc.ca. Hearing documents (submissions) are not available on-line and must be requested through the Secretariat at the address below:
c/o Louise Levert

Secretariat

Canadian Nuclear Safety Commission Tel.: (613) 996-9063 or 1-800-668-5284
280 Slater St., P.O. Box 1046 Fax: (613) 995-5086
Ottawa, Ontario K1P 5S9 E-mail: interventions@cnsccsn.gc.ca

Briefing Note: Bruce Nuclear

By Dave Martin, Energy Coordinator, Greenpeace Canada

March 31, 2005

* In May 2001, Ontario Power Generation (OPG) finalized a deal with Bruce Power (then a subsidiary of British Energy, a nuclear power plant operator in the United Kingdom) for an eighteen-year lease to operate the Bruce nuclear complex on the shore of Lake Huron in Ontario.[1]

* The details of the agreement were kept secret, but it was clearly a sweetheart deal for Bruce Power.[2] Among other things, Bruce Power had no long-term responsibility for radioactive waste management and reactor decommissioning, responsibility for which remained with OPG, and ultimately with OPG's sole shareholder, the Government of Ontario.

* Following financial crisis at British Energy in the fall of 2002, it was announced on December 24, 2002, that a new Canadian group would purchase Bruce Power. The group consisted of Cameco Corporation, TransCanada Pipelines Ltd., and BPC Generation Income Trust, part of the OMERS pension fund. The three major partners held 31.6%, while the Power Workers Union had 4% and the Society of Energy Professionals 1.2%.

* Bruce Power has had windfall profits under its agreement with the Government of Ontario. Bruce Power's profit was \$106 million in 2002, and increased to \$286 million in 2003.[3]

* Although the final costs for radioactive waste management and decommissioning have yet to be demonstrated, however, Ontario Power Generation has listed a liability of \$8.339 billion in its 2004 financial statements for decommissioning and waste management. By a rough estimate, about \$3.5 billion of this amount is for the Bruce reactors and waste.[4]

estimated that it will cost about \$18.2 billion (dollars of the year) and take until 2070. About \$10 billion of this amount is for radioactive waste management, assuming that deep geological disposal is used, and about \$7.4 billion is for decommissioning of the 20 OPG owned reactors

-
1. Ontario Power Generation, Bruce Power, "Ontario Power Generation and Bruce Power Complete Lease Agreement for Bruce Nuclear Stations", *News Release*, May 12, 2001.
 2. Sierra Club of Canada, "Bruce Deal a Disaster for Ontario", *News Release*, April 17, 2001.
 3. John Spears, "Bruce Power profit more than doubles; idle reactors powered up", *Toronto Star*, January 24, 2004, p. C3.
 4. Ontario Power Generation, *2004 Financial Results*, March 29, 2005, p. 54.

restart reactor 4 in April 2003, and reactor 3 shortly afterwards.[11] However, there were repeated problems and delays and reactor 4 did not start up until October 2003. Reactor 3 did not restart until February 2004. The cost of refurbishing the two reactors also more than doubled to \$ 720 million.[12]

* After the four Pickering A reactors, the Bruce A nuclear station has the oldest commercial reactors in Canada. In addition to pressure tube problems , there are other serious ongoing problems at Bruce.

* Problems with steam generators have been the second largest cause of outages at CANDU reactors. All of the Bruce steam generators have been identified as being "high risk".[13] Past problems with steam generators have included clogging due to mineral deposits, 'fretting' or breakage of the internal pipes due to excessive vibration, and stress corrosion cracking of the metal. Steam generators incorporate thin-walled pipes where coolant from the reactor core circulates to transfer heat to the turbine side of the station. The steam generators at Bruce reactor 2 were damaged beyond repair after a lead shielding blanket was left inside the system during a maintenance procedure years earlier. Bruce reactor 2 was subsequently closed in 1995.

The Canadian Nuclear Safety Commission (CNSC) conducted a screening level environmental assessment on the restart of the Bruce A reactors 3 and 4. This was a low-level environmental assessment, and the CNSC maintained control over the process by ignoring public requests to ask the federal Environment Minister to appoint an independent assessment panel.

* Continuing its long history of accommodating the wishes of the nuclear industry, on January 6, 2003, the CNSC allowed Bruce Power to load fuel into reactors three and four in advance of the actual reactor start-up, delegating actual approval to CNSC staff without any need for a public hearing review.[14]

* In January 2004, Bruce Power announced a feasibility study on the restart of Bruce A reactors

-
11. Pearl Marshall, "Bruce Power said to be planning return of final Bruce A units", *Nucleonics Week*, October 24, 2003, pp. 1, 14-15.
 12. John Spears, "Nuclear power key to future: Bruce chief", *Toronto Star*, January 30, 2004, p. A4.
 13. Ontario Hydro, Rick Machon, *Nuclear Asset Optimization Plan: Development & Recommendation*, "Option Selection Basis", p. 16.
 14. CNSC, *Record of Proceedings, Including Reasons for Decision, In the Matter of Applicant: Bruce Power Inc., Subject: "Referral to a CNSC Designated Officer - Application to load fuel at Bruce 'A' NGS unit 3 and 4 reactors"*, January 6, 2003.

Ministry
of the
Environment

2 St. Clair Avenue West
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Toronto, ON M4V 1L5

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Environmental Assessment and Approvals Branch



Tel: (416) 314-8001
Fax: (416) 314-8452

January 10, 2005

Mr. Guy Riverin
Environmental Assessment Specialist
Processing Facilities and Technical Support Division
Canadian Nuclear Safety Commission
P.O. Box 1046, Station B
Ottawa ON K1P 5S9

FILE DOSSIER	26-1-7-1-0
REFERRED TO RÉFÉRÉ À	RIVERIN, G

Dear Mr. Riverin:

RE: Bruce Power's, "Bruce A" Refurbishment at the Bruce Nuclear Generating Station.

Thank you for your letter of December 14, 2004, to Mr. James O'Mara, Director of the Environmental Assessment and Approvals Branch, in which you inquire about provincial environmental assessment requirements for Bruce Power's "Bruce A" refurbishment for life extension and continued operations of Bruce A at the Bruce Nuclear Generating Station. I have been asked to respond to your letter.

We have reviewed the project description for the proposal by OPG, and would like to confirm that Ontario's *Environmental Assessment Act* does not apply to nuclear projects of this type. There may be other approvals or permits within this Ministry under the *Environmental Protection Act* and/or the *Ontario Water Resources Act* which may apply. I have noted that you have forwarded the information package to Mr. Phil Bye, District Manager, Owen Sound District Office who may comment on these matters.

While this branch does not need to be involved with the technical review of the screening assessment, our Owen Sound District Office may wish to participate. Please contact Mr. Phil Bye, District Manager, directly as to whether their office wishes to participate in the screening assessment. He may be contacted at (519) 371-6022 in this regard.

Should you have any other information requirements regarding environmental assessment matters, please contact me at (416) 314-3352.

Yours sincerely,

A handwritten signature in black ink that reads "Dave Bell".

Dave Bell
Project Officer
Environmental Assessment Project Coordination Section
Environmental Assessment & Approvals Branch

cc. L. Knox, CEAA
P. Bye, MOE Owen Sound DO
M. Riopelle, MOE, Southwestern RO
P. Brennan, MOE EAAB

2005 JAN 13 AM 8:43
ADM-02

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Environmental Assessment and Approvals Branch

Tel: (416) 314-8001
Fax: (416) 314-8452

January 10, 2005

Mr. Guy Riverin
Environmental Assessment Specialist
Processing Facilities and Technical Support Division
Canadian Nuclear Safety Commission
P.O. Box 1046, Station B
Ottawa ON K1P 5S9

Dear Mr. Riverin:

RE: Ontario Power Generation's (OPG) WWMF Refurbishment Waste Storage Project (RSW Project) at
Bruce Nuclear Power Development Site.

Thank you for your letter of December 10, 2004, to Mr. James O'Mara, Director of the Environmental Assessment and Approvals Branch, in which you inquire about provincial environmental assessment requirements and other approvals for OPG's RSW Project at the Bruce Nuclear Power Development Site. I have been asked to respond to your letter.

We have reviewed the project description for the proposal by OPG, and would like to confirm that Ontario's *Environmental Assessment Act* does not apply to nuclear projects of this type. There may be other approvals or permits within this Ministry under the *Environmental Protection Act* and/or the *Ontario Water Resources Act* which may apply. I have noted that you have forwarded the information package to Mr. Phil Bye, District Manager, Owen Sound District Office who may comment on these matters.

While this branch does not need to review the environmental assessment document that OPG will prepare to satisfy the requirements of the CEA Act, our Owen Sound District Office may wish to review the document.

Should you have any other information requirements regarding environmental assessment matters, please contact me at (416) 314-3352.

Yours sincerely,

Dave Bell
Project Officer
Environmental Assessment Project Coordination Section
Environmental Assessment & Approvals Branch

cc. L. Knox, CEAA
P. Bye, MOE Owen Sound DO
M. Riopelle, MOE, Southwestern RO
P. Brennan, MOE EAAB

mcclenat@lao.on.ca

Home office email mcclenaghan@execulink.com

Home office telephone 519-442-1589

CELA's Library website: www.ecolawinfo.org

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----- Original Message -----

From: <shawn.patrick.stensil@yto.greenpeace.org>

To: "Theresa McClenaghan" <mcclenaghan@execulink.com>

Sent: Tuesday, March 29, 2005 12:21 PM

Subject: could we meet to talk about Bruce refurbishment Friday

> Hi Theresa, I just left a message on your machine.
>
> I was wondering if we could have a brief meeting this week to discuss
> issues around
> the CNSC's lack of regulation around the life-extension of Candu reactors.
> The CNSC
> will be holding hearings on May 10th (or 20th) on the draft guidelines for
> the life-
> extension of Bruce A. Note that they didn't change one word from the
> previous draft.
>
> I will be encouraging other groups to make submissions to the CNSC. The
> date of
> these hearings may be a good time to file a complaint with the
> Parliamentary
> Commissioner on the CNSC's failure to implement the recommendations of the
> Senate
> Standing Committee.
>
> Would you be available for a meeting just before the Energy Vision
> meeting. Both
> Dave and I would attend.
>
> Attached you will find the guidelines for the Bruce A life-extension.
>
> Cheers
>
> Shawn-Patrick
>

Shawn-Patrick Stensil
Energy Campaigner/Responsable de la campagne énergie
Greenpeace Canada
Tel: 416-597-8408 ex 3013 Cell: 416-884-7053
Fax: 416-597-8422

250 Dundas St. W., Suite 605
Toronto, Ontario, Canada
M5T 2Z5

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> ---- File information -----
> File: Draft Bruce Guidelines.pdf
> Date: 29 Mar 2005, 12:16
> Size: 1168655 bytes.
> Type: Unknown
>



Canadian Nuclear
Safety Commission

P.O. Box 1046, Station B
Ottawa, Ontario
K1P 5S9

Fax: (613) 995-5086

Commission canadienne
de sûreté nucléaire

C.P. 1046, Succursale B
Ottawa (Ontario)
K1P 5S9

Télécopieur : (613) 995-5086

CCEA

AECB



780031

Your file Votre référence

Our file Notre référence

26-1-12-1-0

Directorate of Reactor Regulation

October 30, 2000

Mr. Rod White
Vice-President, Nuclear
New Brunswick Power
P.O. Box 2000, 500 King Street
Fredericton, N.B.
E3B 4X1

Subject: Point Lepreau Generating Station Refurbishment

Dear Mr. White:

Further to your letter of 27 June 2000 and the presentation to CNSC staff on 21 September 2000, the CNSC staff's preliminary views on the regulatory aspects of the proposed Point Lepreau refurbishment are as follows.

You have advised us that the refurbishment of the reactor plant is being considered to extend the lifetime beyond that which was generally understood at the time the operating licence was originally granted. Also, you wish to minimize the regulatory uncertainty associated with this long term future operation prior to making the final decision for refurbishment.

CNSC has no regulatory requirements or policies in place which specifically covers plant refurbishment for the purpose of life extension. The lack of such specific requirements reflects a regulatory risk to your project. Following are two ways in which this risk might be minimized:

1. CNSC prepares policies and requirements that clearly state in a prescriptive manner what should be done in such situations. Experience has shown, however, that introducing new requirements of this type with the attendant need for extensive consultation with both the industry and the public is not an activity which can be completed in the short term. It seems unlikely that the time required would be consistent with your proposed schedule for decision making.

Public
- 1-8-00

Canada

From: "Theresa McClenaghan" <mcclenaghan@execulink.com>
To: <tuckert@lao.on.ca>
Subject: Fw: MOE letter regarding Bruce life-extension
Date: Tue, 29 Mar 2005 12:54:18 -0500

Tracy could you print this email and attached letter for me? You can put them in my mail folder. Thanks. Theresa
Theresa McClenaghan, Counsel,
Canadian Environmental Law Association
301-130 Spadina Ave., Toronto, ON M5V 2L4

T:416-960-2284 ext.218 F:416-960-9392
mcclenat@lao.on.ca

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----- Original Message -----

From: <shawn.patrick.stensil@yto.greenpeace.org>
To: "theresa McClenaghan" <mcclenaghan@execulink.com>
Sent: Tuesday, March 29, 2005 12:34 PM
Subject: MOE letter regarding Bruce life-extension

Hello Thereasa,

Attached you will find a letter from MOE to the CNSC stating that Ontario's EA process has no role in reactor reconstruction projects. I recall you mentioned your interest in getting the province to intervene in such cases.

Cheers.

SP

Shawn-Patrick Stensil
Energy Campaigner/Responsable de la campagne énergie
Greenpeace Canada
Tel: 416-597-8408 ex 3013 Cell: 416-884-7053
Fax: 416-597-8422
250 Dundas St. W., Suite 605
Toronto, Ontario, Canada
M5T 2Z5

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> File: MOE letter Bruce.pdf

> Date: 29 Mar 2005, 12:26

> Size: 74782 bytes.

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>

Main Identity

From: <shawn.patrick.stensil@yto.greenpeace.org>
To: "theresa McClenaghan" <mcclenaghan@execulink.com>
Cc: "dave Martin" <dave.martin@yto.greenpeace.org>
Sent: March 22, 2005 8:19 AM
Subject: (Fwd) Re: Bruce A Refurbishment for Life Extension andContinuo

Dave and Theresa,

After quickly scanning the new EA guidelines for Bruce, I noted that the CNSC referred to a "recent advice from the Canadian Environmental Assessment Agency" I requested any letters or memos pertaining to this request directly to Guy Rivrand, the responsible for the Bruce EA.

Below you will find his response. Guys says that "Legal opinions are considered "Protected - Solicitor/Client Privileged" and hence cannot be released."

Theresa could you please advise on what information in regard to this advice **we could ask for**. Given that the CNSC has just recently decided to check into whether their ad hoc approach to rebuilding reactors is legal tells me they're trying to cover their butt.

Suggestions? To use any subsequent info in a submission we'll need to get these information requests off quickly.

Cheers.

SP

----- Forwarded message follows -----

Date sent: Tue, 22 Mar 2005 07:57:10 -0500
 From: "CEAAInfo" <Ceaainfo@cnscccsn.gc.ca>
 To: <shawn.patrick.stensil@mail.yto.ca.gl3>
 Copies to: "Claude David" <Davidc@cnscccsn.gc.ca>,
 "Barclay Howden" <Howdenb@cnscccsn.gc.ca>, "Info" <Info@cnscccsn.gc.ca>,
 "Interventions" <Interventions@cnscccsn.gc.ca>,
 "Jacques Lavoie" <Lavoiej@cnscccsn.gc.ca>,
 "Philippe Paquette" <Paquettep@cnscccsn.gc.ca>,
 "RecordsOffice-Bureau des Documents" <Records.Office-Bureau.des.Documents@cnscccsn.gc.ca>,
 "Philip Webster" <Websterp@cnscccsn.gc.ca>
 Subject: Re: Bruce A Refurbishment for Life Extension andContinuousOperation Project EA Guidelines

File # 26-1-7-16-2

Good afternoon,

The advice referred to in the response to comment 55 on page 38 of Annex B of CMD 05-H10 comes from a legal opinion from Justice lawyers at the Canadian Environmental Assessment Agency in response to a request from Justice lawyers at CNSC concerning the Implications of the Canadian Environmental Assessment Act when an approval is granted under a Licence issued by the CNSC.

The advice received was that an approval under a licence condition is a trigger under paragraph 5(1)(d) of the CEAA only if the approval enables the carrying out of the project.

23/03/2005

In light of this advice, CNSC Staff concluded that it does not matter what the project is; if there is a trigger and a project as defined in CEAA, an Environmental Assessment is required. As mentioned in response to comment number 3 of Annex B of CMD 05- H10, the trigger is an amendment to the Operating Licence and the project is Bruce A Refurbishment for Life Extension and Continued Operation.

Legal opinions are considered "Protected - Solicitor/Client Privileged" and hence cannot be released.

Guy Riverin

>>> <shawn.patrick.stensil@yto.greenpeace.org> 2005-03-21 8:51:23 AM >>>

Good morning Guy,

Thanks you for sending me the CMD for the life extension of the Bruce A facility.

On page 38 of the guidelines (Annex B) it states that "...recent advice from the Canadian Environmental Assessment Agency suggests that whether these project activities are called maintenance or construction does not affect the determination of the application of the Canadian Environmental Assessment Act."

I would like to request copies of all correspondence between the CNSC and CEAA as well as any internal CNSC memos dealing with this issue be sent to me. This information will inform my submission on behalf of Greenpeace in regard to the current draft guidelines.

Please feel free to contact me if you have any questions.

Truly,

Shawn-Patrick Stensil

On 21 Mar 2005 at 7:50, CEAAInfo wrote:

Date sent: Mon, 21 Mar 2005 07:50:37 -0500
From: "CEAAInfo" <Ceaainfo@cnsccsn.gc.ca>
To: <shawn.patrick.stensil@mail.yto.ca.gl3>
Copies to: "Info" <Info@cnsccsn.gc.ca>
Subject: Bruce A Refurbishment for Life Extension and Continuous Operation Project EA Guidelines

File# 26-1-7-16-2

Good morning Mr. Stensil,

Attached for your perusal is a copy of the notice of hearings and CMD for the project mentioned above.

If you wish to receive a paper copy, please let me know and we will forward you one.

23/03/2005

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Shawn-Patrick Stensil

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