

Request for Ruling:

Direct staff to be accountable and release public safety assessments related to the Darlington nuclear station

August 19, 2015

The Canadian Environmental Law Association (CELA), the Canadian Association of Physicians for the Environment (CAPE), the Canadian Coalition for Nuclear Responsibility (CCNR), Durham Nuclear Awareness (DNA), Greenpeace, New Clear Free Solutions, Northwatch and the Sierra Club Canada hereby request a Ruling pursuant to section 20(1) of the Canadian Nuclear Safety Commission (CNSC) rules of procedure with respect to the following:

Whereas the CNSC held combined hearings in December 2012 considering Ontario Power Generation's (OPG) licence renewal application for the Darlington nuclear station and the environmental review of OPG's proposal to rebuild and extend the operational lives of the four aging Darlington reactors;

Whereas civil society groups and hundreds of citizens stated their concern that the environmental review did not consider the environmental effects of a major accident or the adequacy of existing emergency measures to respond to a Fukushima-scale radiation release at the Darlington nuclear station;

Whereas Fukushima is considered a level 7 accident on the International Atomic Energy Agency's (IAEA) the International Nuclear Event Scale (INES), which categorizes accidents based on the magnitude of radioactive releases with a level 7 being the highest level;

Whereas CNSC staff acknowledged during the 2012 hearings that they could have assessed such a large accident in the publicly available environmental assessment, but chose not to;

Whereas CNSC staff acknowledged that the public intervenors viewed such a study as necessary and committed during the 2012 hearings to assess the impacts of such accidental radioactive releases before the next licence renewal hearings;

Whereas the Commission's subsequent Record of Decision on the environmental assessment stated: *"CNSC staff, because of public concern, agreed to provide an information document or equivalent assessing health and environmental consequences of more severe accident scenarios discussed by intervenors and intends on updating the Commission on this topic in fall 2013."*

Whereas CNSC staff responded to this commitment by releasing a report in June 2014 entitled *Study of Consequences of a Hypothetical Severe Nuclear Accident and Effectiveness of Mitigation Measures*;

Whereas this study did not assess the consequences of a level 7 INES accident similar to Fukushima as requested by public intervenors in 2012;

Whereas Access to Information (ATI) documents acquired by Greenpeace show the study in question had originally assessed a Level 7 INES accident as requested by public intervenors, but had been censored by CNSC management so that the level 7 INES accident scenario had been deleted from the published report;

Whereas these ATI documents show CNSC directors instructed staff to redo the study in January 2014 after reviewing the draft study, which did examine the consequences of a Level 7 INES accident at Darlington.

Whereas the ATI documents cite Francois Rinfret, Director of the Darlington Regulatory Program Division of the CNSC, giving the following justification for censoring the study: *"I have taken a quick look at the draft submitted; indeed, this will become a focal point of any licence renewal, and despite*

brilliant attempts to caution readers, this document would be used malevolent-ly [sic] in a public hearing. It's a no-win proposition whatever whatever [sic] we think the Commission requested."

Recognizing that an Environics poll of federal scientists found CNSC staff were one of the most likely to be asked to alter studies for non-scientific reasons and second most likely (57%) to be aware of cases where the health and safety of Canadians had been compromised due to political interference;

Whereas no study has ever been released by the federal or Ontario governments assessing the effectiveness of offsite emergency response in the event of a level 7 INES accident or the anticipated public health and environmental consequences of such an accident;

Whereas Swiss authorities modeled the impacts of a level 7 INES accident at each of Switzerland's stations to determine what new protective measures would be required to protect the health of Swiss citizens after the Fukushima accident;

We request under section 20(1) of the CNSC rules of procedure that:

The Commission direct CNSC staff to release the results of the uncensored Darlington accident study by September 15th so that the public intervenors who requested this study in 2012 can consider and incorporate the study's findings in their written submissions due on September 28th, 2015.

Cc:

Dr. David McKeown, Toronto's Chief Medical Officer of Health

Hon. Kathleen Wynne, Premier of Ontario

Hon. Bob Chiarelli, Minister of Energy, Ontario

Mike Schiener, Leader of the Green Party of Ontario

Peter Tabuns, MPP, Energy Critic, New Democratic Party of Ontario

Jennifer French, MPP, Community Safety Critic, New Democratic Party of Ontario

Hon. Stephen Harper, Prime Minister of Canada

Gilles Duceppe, Leader of the Bloc Québécois

Thomas Mulcair, MP, Leader of the Official Opposition

Elizabeth May, MP, Leader of the Green Party of Canada

Justin Trudeau, MP, Leader of the Liberal Party of Canada

Michael Ferguson, Auditor General of Canada

Bonnie Lysyk, Auditor General of Ontario

Ellen Schwartzel, Acting Environmental Commissioner of Ontario

The Toronto Star, the Globe and Mail, the National Post, Canadian Press