

Ottawa

Room 835, Confederation Building
Ottawa, Ontario K1A 0A6
Tel: 613-992-2576
Fax: 613-995-8202

Constituency

1162 College St
Toronto, Ontario M6H 1B6
Tel: 416-654-8048



Ottawa

Pièce 835, Édifice de la Confédération
Ottawa (Ontario) K1A 0A6
Tél: 613-992-2576
Télé: 613-995-8202

Circonscription

1162 rue College
Toronto (Ontario) M6H 1B6
Tél: 416-654-8048

Andrew Cash

Member of Parliament/Député
Davenport
Andrew.Cash@parl.gc.ca

Honourable Joe Oliver
Minister of Natural Resources
Room 162 Confederation Building
House of Commons
Ottawa, ON
K1A 0A6

Dr Michael Binder
President and CEO
Canadian Nuclear Safety Commission
280 Slater St
PO Box 1046, Station B
Ottawa, ON
K1P 5S9

Dear Minister Oliver and Dr. Binder,

I am writing to request a review of the operating license for GE-Hitachi Canada's Toronto Nuclear Fuel Facility at 1025 Lansdowne Ave.

I appreciate Canadian Nuclear Safety Commission's (CNSC) attendance at the public meeting held on December 8th, 2012, in Toronto, where Davenport residents made it clear that they had not been properly informed of, or consulted about, the fuel production facility in their neighbourhood. At that meeting CNSC officials indicated (repeatedly affirmed) that that they have not been satisfied with the degree to which GE-Hitachi Canada has complied with the licensing requirements pertaining to its Public Information Program (PIP). Nevertheless, in December 2010 the license renewal was granted for an unprecedented period of ten years. The renewal also combined GE-Hitachi's Toronto and Peterborough facilities under a single license for the first time.

At issue is not just whether residents living in the vicinity of the fuel production facilities in Toronto and Peterborough are being adequately apprised of the activities in the plants – even GE-Hitachi admits they need “to do a better job” in this regard – but also whether the CNSC is satisfied that it has been adequately informed by the licensee with regard to their PIP.

Condition 2.5 of GE-Hitachi's 2010 license states that: “The licensee shall implement and maintain a program for public information for the facility, including a public disclosure protocol.” This license condition conforms with paragraph 3(j) of the Class I Nuclear Facilities Regulations under the Nuclear Safety and Control Act, which mandates that licensees must develop a “program to inform persons living in the vicinity of the site of the general nature and characteristics of the anticipated effects on the environment and the health and safety of persons that may result from the activity to be licensed.” CNSC's G-217 Regulatory Guide for Licensee Public Information Programs (2004) expands on this condition by encouraging license applicants “to employ a broad and inclusive interpretation of “persons living in the vicinity” to ensure that the information reaches all

interested parties” and “...to employ multiple communication approaches to enhance public understanding of the information” (p. 4).

The intent of these legal and regulatory documents is unambiguous: it is the responsibility of the licensee to ensure that people who live in the vicinity of the plant are aware of what goes on in the plant.

The transcripts from the first license renewal hearing on September 30th, 2010 reveal that Commission Member Graham repeatedly attempted to ascertain whether GE-Hitachi was conforming to its legal obligations with regard to its public information program for the Toronto facility. Graham asked a series of questions regarding the frequency and distribution range of company newsletters, the level of “awareness that there is radioactive material being processed across the street” and the clarity of the company’s signage (pp. 35-39). GE-Hitachi’s CEO Paul Mason assured Graham that, “We ... keep people within half-a-kilometre around the facilities informed of what we are doing” (36). He stated that GE-Hitachi had a “long history of dialogue with the residents” on Brandon Ave [across from the Toronto facility] (38).

In Peterborough, Mason claimed that they had “an excellent relationship with the Parent/Teachers Association [at the Prince of Wales Elementary School which is just across the road from the Peterborough facility]” (13)... We had meetings with the school, parents and teachers, and the local leadership. So people are well aware. We’ve been there for 50 years. They’re well-aware of the sort of thing that we do there” (38).

By the second day of the hearing on December 9th, however, it was clear that many Peterborough residents were in fact not “well-aware” of the plant’s purpose. On the contrary, nine days before that final hearing, on November 30, 2010, GE-Hitachi held an information meeting in response to pressure from Peterborough residents, who had been recently alerted to changes to the plant’s license. The meeting was attended by what one media report termed a “large, angry and boisterous crowd” of local residents, parents and at least one local representative who felt that license changes were being made “without proper local consultation.”[1] The meeting generated a petition signed by 172 “parents of children who attend Prince of Wales Elementary School or other citizens of Peterborough” (CMD 10-H17.32A) which read:

“ ...In submissions to the CNSC, GE-Hitachi has incorrectly stated that it has an excellent relationship with Prince of Wales parent council and operates in a community that is well-informed about its activities. Contrary to GE-Hitachi’s assertions, GE has not communicated information to our community about its intentions or the safety of its operations...”

This petition was one of over 40 submissions to the Commission from Peterborough residents, many of which focused on the lack of community consultation. There were no submissions from Toronto. Addressing Mason, the Commission Chair asked for an explanation as to why Peterborough residents had suddenly become such active participants in the licensing process when at the hearing to amend the license in January 2010 “nobody came, no interventions, nothing, zip... what happened in January until now, how do you explain that? And by the way, as an aside, did you get that kind of reaction from [the] Toronto crowd?” (60).

As in Peterborough, the reaction from Toronto residents was delayed until they were alerted to the nature of the activities being carried out at the GE-Hitachi site by an article in a local paper in October 2012. Since then, many phone calls my office and three well-attended community meetings have made it clear to me that residents in my riding were inadequately informed of the activities at the GE-Hitachi site.

GE-Hitachi has recently informed my office that signs outside their building read only “GE-Hitachi” because CNSC does not require them to post explanatory signage. They told me that before last month they had not sent out flyers since 2007 and the only community consultation they did prior to the 2010 hearings was a small, one-day notice in the Toronto Star, which was written only in English (attached). They advised that they

did carry on a dialogue with their direct neighbours in the past through a community consultation group, but admitted that the group was disbanded a number of years ago.

This lack of community outreach is all the more troubling given the fact that the entire city block directly across from the plant has been rezoned and is in the process of being redeveloped. For example, the construction of a 23 and 27 storey condo development across the street at 830 Lansdowne is pending.

GE-Hitachi insists that they have conformed to their license requirements, but the evidence presented here suggests an ongoing pattern of inadequate community consultation that has not been improved upon since the license was granted in 2010. I am concerned that the licensee's legal obligation to inform the public and the agency that is meant to be acting in the interests of the public is being treated as a "soft" requirement. I believe that those who are being asked to bear the risks associated with this facility need to consent to accept those risks, but they cannot do so without being fully informed of what the risks may be. This is why the obligation to inform the public is enshrined in the *Nuclear Safety and Control Act*.

CNSC have stated that they are not satisfied with GE-Hitachi's program to fully inform the public about the nature of the activities at the plant. My reading of the legal and regulatory documents and transcripts pertaining to GE-Hitachi Canada's PIP suggests that that the CNSC requires additional information from GE-Hitachi to properly assess the efficacy of its program. For example, does the Commission really consider the placement of a single, small advertisement sufficient to notify an entire community - for many of which English is not their first language - of a relicensing hearing? Does the CNSC consider that GE-Hitachi's most recent newsletter (attached) conforms to their legal obligation "to inform persons living in the vicinity of the site of the general nature and characteristics of the anticipated effects on the environment and the health and safety of persons that may result from the activity to be licensed"? Why was the Commission not more vigilant in pursuing an answer to its question regarding the fact that there were no submissions from Toronto at the relicensing hearing in December 2010?

The best venue for re-examining the terms of the license with regard to the PIP is a full public hearing. I therefore request Minister Oliver and the Commission re-open the public consultation process by holding a hearing on the GE-Hitachi Facility at 1025 Lansdowne in the adjacent community. This meeting represents an initial step to rectify the deficit of trust that now exists between the community and the CNSC.

I hope both parties will respond favourably to my request and reply to this letter in the short term.

Sincerely,

A handwritten signature in black ink that reads "Andrew Cash". The signature is written in a cursive, slightly slanted style.

Andrew Cash
Member of Parliament
Davenport