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## **Supplementary Information**

### **Presentation from the Canadian Environmental Law Association**

## **Renseignements supplémentaires**

### **Présentation de l'Association canadienne du droit de l'environnement**

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Regulatory Oversight Report for  
Canadian Nuclear Power Generating  
Sites: 2022 and Mid-term update for  
Ontario Power Generation's Pickering  
Nuclear Generating Station

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Rapport de surveillance réglementaire  
des sites de centrales nucléaires au  
Canada : 2022 et Rapport de mi-parcours  
d'Ontario Power Generation pour la  
centrale nucléaire de Pickering

Commission Meeting

Réunion de la Commission

**December 13 and 14, 2023**

**13 et 14 décembre 2023**

# CELA Submission to the CNSC Regarding the Regulatory Oversight Report for Canadian Nuclear Power Generating Sites: 2022 and the Mid-Term Update of Licensed Activities for Pickering Nuclear Generating Station



Commission Meeting—December 13-14, 2023

Theresa McClenaghan, Executive Director & Counsel

December 13, 2023

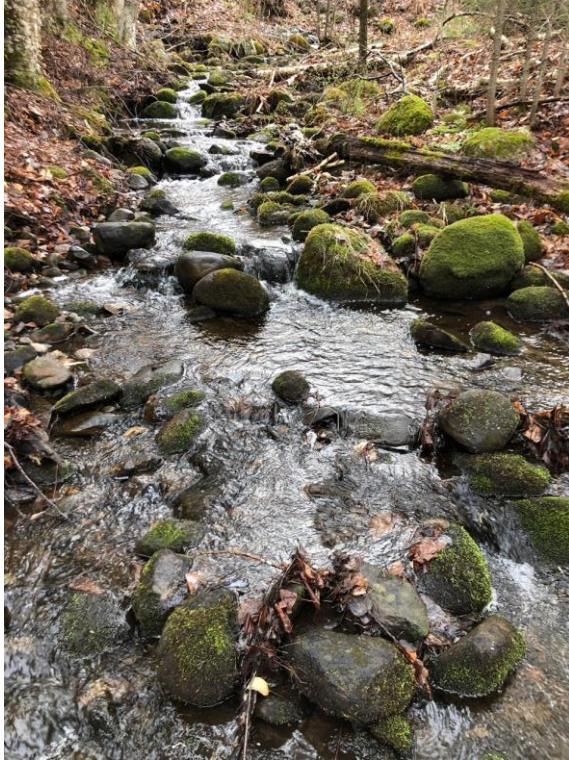


Canadian  
Environmental Law  
Association  
EQUITY. JUSTICE. HEALTH.

*Photo: Linda Pim*

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# Canadian Environmental Law Association (CELA)



*Photo: Kelly Mathews*

- Specialty legal aid clinic dedicated to environmental equity, justice, and health
- Founded in 1970, funded by Legal Aid Ontario since 1978
- CELA provides free legal services relating to environmental justice in Ontario, including representing qualifying low-income and vulnerable communities in the courts and before tribunals. CELA also provides free summary advice to the public and engages in legal education and law reform initiatives.



# Canadian Environmental Law Foundation



*Photo: Ghislain Tillard*

- Key initiatives include:
  - Canadian Environmental Law Archives
  - Annual fellowship for one aspiring environmental lawyer,
  - Access to Justice for Northern Communities Initiative.
- The Foundation also supports ongoing education and outreach efforts to promote public participation in environmental decision-making.

# Pickering Mid-Term Report

- CELA is disappointed in the absence of comprehensive information presented within the Mid-Term Review. Much of the content within the review essentially amounts to a PR campaign for Pickering and OPG. The Mid-Term Review **fails to provide a substantive discussion** of issues that have arisen at Pickering over the last 5- years.
- The Mid-Term Review **should address shortfalls** and provide clarity on what is being done to alleviate and prevent these shortfalls from happening in the remainder of the licence term.
- Climate change is discussed minimally within the Mid-Term Review, and there is no discussion of how OPG plans to mitigate the impacts of climate change on Pickering.
- The Mid-Term Review also fails to elaborate on the distribution of KI Pills, nor does it discuss how OPG has reviewed its means of communication with the public in regard to nuclear emergency preparedness awareness outside the DPZ during the renewed licence period.



# General Findings within the Regulatory Oversight Report

- **Operating Performance:** ROR gives data about the numbers of unplanned transients but **does not** offer any data on the length of the resulting outages.
- **Fitness for Service:** Pickering's safety system test performance has seen a positive trend over the last five years; CELA is relieved to see that the 5 missed tests in 2018 has not recurring since then, and hopes to see this 100% completion trend continue for the remainder of Pickering's operations.
- **Radiation Protection:**
  - there are two reports of radiation doses in the 20-50 mSv range.
  - It is unclear if any of the six individuals in 2018 who received radiation doses in the 20-50 mSv range were among the individuals who received doses in the 20-50 mSv range in 2022. If the same individual is obtaining doses over 20 mSv in successive years, they can breach the 100 mSv limit in a few years.
  - CELA **requests** further information on how long-term, repeated high radiation doses are being monitored and prevented at each licenced site.

# General Findings, cont'd.

- **Environmental Performance:** Information about releases of important radionuclides known to be dangerous to human health and how much of each radionuclide (in Bq/year) was released should be published on an annual basis. **Without such detailed information, it is not possible to gauge how well a reactor is performing.**
- **Climate Change:** Various climate-related weather events such as heat waves, floods, droughts, storms, lightning events and wildfires can challenge the safety of nuclear reactors. There is a **significant gap** in identifying the increased risks to nuclear plant operations and safety due to the impacts of climate change and developing adaptive strategies.
  - We **recommend:** Conduct a climate vulnerability assessment which ascertains adaptive capacity of present reactors and with participation from various partners, develop implementable adaptive strategies.
- **Human Performance Management:** There were 8 non-compliant findings within this SCA, (3 of negligible safety significance, and 5 of low safety significance).
  - CELA **requests** additional information on the employment trends at Pickering, and whether these instances of human performance management non-compliance are being an increasingly notable trend with every passing year.



# General Findings, cont'd.

- **Physical Design:** The CNSC staff's review of the 2021 Annual Fuel Performance Report notes: "the residency time for defected bundles in the core is high relative to the industry average, due to the design limitations." We **request** that OPG provide an update on what steps are being done, as well as a timeline for removing these defects.
- **Emergency Management & Fire Protection:** Despite **three non-compliances** within the Fire Protection Program at Pickering, there is **no discussion or explanation of the corrective plan**. To improve transparency with the public, CELA **requests** that the corrective plan, *or at a minimum*, a high level summary of the plan, be provided so that the public can understand the risks surrounding these non-compliance instances.
  - Offsite emergency centers **were not tested over a minimum of a five-year period**, deeming OPG as non-compliant with a requirement in REGDOC-2.10.1. These instances of non-compliance once again call into question whether staff at Pickering are taking their roles in nuclear safety seriously as the lifespan of Pickering (and their job positions) shortens over time.
- **Security:** Because there were 4 non-compliant findings regarding security & 5 non-compliant findings in the cyber-security domain, CELA **recommends** that the Commission members stringently and thoroughly delve into the causes and significance of this area of the supplemental report; and demand challenging and detailed, specific steps to show improvement and report back to the Commissioners themselves.
- **KI Pill Distribution:** CELA remains an active member of the advisory group to the KI Pill Working Group and **submits** that distribution of KI pills is currently inadequate. CELA continues to **recommend** expanding the delivery of KI pills to a pre-distribution area of 50 km, rather than the current 10 km pre-distribution area.



# Stay in Touch



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