

October 1, 2010

Mr. Marc Leblanc Secretary of the Commission Canadian Nuclear Safety Commission 280 Slater St., P.O. Box 1046 Ottawa, Ontario K1P 5S9 The Honourable Jim Prentice Minister of the Environment Environment Canada Les Terrasses de la Chaudière 10 Wellington Street, 28th Floor Gatineau, Quebec K1A 0H3

Dear Secretary Leblanc and Minister Prentice:

We are concerned about Bruce Power's proposal to ship radioactively-contaminated nuclear steam generators through the Great Lakes and United States territory. While we understand that the Canadian Nuclear Safety Commission's approval is likely imminent, we believe significant questions remain regarding the shipment.

We seek assurances that the Canadian Nuclear Safety Commission (CNSC) and Minister of the Environment are conducting thorough and complete reviews of the proposed shipment and data, strictly adhering to international standards, and considering safer alternatives to radioactive shipments through the Great Lakes and contributing radioactive material to the international metal market. Please provide us with any information in this regard, as well as answers to the following questions:

- (1) Does Canadian law require that shipments of radioactive material comply with the International Atomic Energy Agency's (IAEA) regulations for the shipment of radioactive waste? Does Bruce Power's shipment meet these standards, specifically for total radioactivity limit per shipment and the need for shipping containers for the waste, and, if not, will your agencies deny the application? Are exemptions to the IAEA standards and regulations in the best interests of Canada and the United States?
- (2) What steps is the CNSC taking to ensure a complete and reliable list of radioisotopes contained within a steam generator, and to determine the associated radioactive hazards, and other hazards such as toxic heavy metals? Has this information been independently peer-reviewed? It is our understanding that this information is critical to making a sound determination of the waste's classification, and therefore the safety requirements. Can you explain Canada's classification system, the corresponding radioactivity levels, and the differences in minimum safety requirements?
- (3) Since a 2005 Environmental Assessment called for long-term storage of the steam generators at the Western Waste Management Facility, what is the justification for changing the original approved plan and will a supplemental assessment be conducted? Will you be considering safer alternatives to radioactive shipments through the Great Lakes, including on-site storage, as well as to contributing radioactively contaminated material to the international metal market? And what plans are in place in case of an accident during loading or transport that results in the steam generators sinking or breaking open?

This decision appears to set a significant new precedent for the use of the Great Lakes for the shipment of radioactive waste, including potentially high-level radioactive wastes. Since the United States must revalidate the proposed shipment, we have urged the Pipeline and Hazardous Material Safety Administration to reject the application if the proposal does not protect the Great Lakes and fails to comply with U.S. and international standards. We urge Canada to do the same. Thank you for your attention to this matter.

Sincerely,

Russell D. Feingold United States Senator

Robert P. Casey, Jr. United States Senator

2 Carey, In.

Kirsten E. Gillibrand United States Senator

Kirsten E. Dillibrand

Carl Levin
United States Senator

Debbie Stabenow United States Senator Richard J. Durbin United States Senator

Charles E. Schumer United States Senator

Cc: Hillary Rodham Clinton, Secretary of State, U.S. Department of State
Lawrence Cannon, Minister of Foreign Affairs, Foreign Affairs and International
Trade Canada

Lana Pollack, Chair of the U.S. Section, International Joint Commission Joseph Comuzzi, Chair of the Canadian Section, International Joint Commission Cynthia L. Quarterman, Administrator, U.S. Department of Transportation, Pipeline and Hazardous Material Safety Administration