



CANADIAN ENVIRONMENTAL LAW ASSOCIATION
L'ASSOCIATION CANADIENNE DU DROIT DE L'ENVIRONNEMENT

Hon. Prime Minister S. Harper
Office of the Prime Minister
80 Wellington Street
Ottawa
K1A 0A2
Via fax: 613-941-6900

December 12, 2007

Re: Bill C-38, An Act to permit the resumption and continuation of the operation of the National Research Universal Reactor at Chalk River

Dear Mr. Harper:

We are writing to express our grave concern with legislation tabled by your government on December 11, 2007, Bill C-38, An Act to permit the resumption and continuation of the operation of the National Research Universal Reactor at Chalk River.

We are deeply concerned that the federal crown corporation Atomic Energy of Canada Limited (AECL) would be allowed to operate the fifty-year-old National Research Universal (NRU) reactor in an unsafe condition, and outside of regulatory compliance. This is due to poor planning and incompetence on the part of AECL, which has not only failed to operate NRU safely, but has failed to commission replacement reactors for the aging NRU in a timely fashion. This has led to a crisis in the global supply of medical radioisotopes, but this crisis should not be compounded by the continued operation of an unsafe nuclear reactor until the required safety precautions are in place.

Furthermore, it is imperative that the oversight role of the Canadian Nuclear Safety Commission (CNSC) not be compromised. In our experience, the CNSC rarely interferes with an operating reactor except in the most egregious circumstances, and this is one of those cases. Because of the potential for catastrophic accidents, independent regulation of nuclear reactors is of paramount importance. Bill C-38 poses a challenge to this independence.

In the case of the NRU, AECL was required by the CNSC to upgrade crucial safety-related systems as a condition of continuing to operate the reactor beyond its expected life. The reactor, at 50 years of age, was not designed to current safety standards, and poses an increasing risk of accident due to aging.

We are disappointed that you and your Ministers have failed to respect the role of the CNSC, which Parliament has mandated to oversee issues of technical safety with respect to operation of nuclear reactors. Second-guessing the decisions of the CNSC sets a very dangerous precedent and undermines the credibility and independence of the regulator.

It is a serious mistake to proceed with this legislation prior to compliance by AECL with the requirements of the CNSC. As the Minister to whom both AECL and CNSC report, Natural Resources Minister Lunn has placed himself in a serious conflict of interest.

We urge your government to call a Public Inquiry on these matters. The independence of Canada's nuclear regulator is being severely compromised and the public deserves clear answers as to the events and communications relating to the shutdown and proposed restart of the NRU reactor.

Yours very truly,



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Executive Director
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Hugh Wilkins
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Staff Lawyer

Cc:

Hon. S. Dion, Leader of the Official Opposition
Hon. J. Layton, Leader of the New Democratic Party of Canada
Gilles Duceppe, Leader of the Bloc Quebecois
Hon. Gary Lunn, Minister of Natural Resources
Hon. Tony Clement, Minister of Health
Elizabeth May, Leader of the Green Party of Canada
Ms. Linda Keen, President, Canadian Nuclear Safety Commission
Shelia Fraser, Auditor General of Canada