



November 24, 2023

Hon. Todd Smith  
Minister of Energy  
10th Floor, 77 Grenville St.  
Toronto, ON M7A 2C1

Reference: Sessional Paper No. P-123

Minister Smith:

We are recently in receipt of your government's response to our Petition to the Legislative Assembly of Ontario on *Adoption of the Proximity Principle in the Management of Radioactive Wastes* which was presented in the Ontario Legislature on May 30<sup>th</sup> and tabled by Members Lise Vaugeois, Sol Mamakwa and Mike Schreiner.

The petition set out multiple issues and concerns related to the Nuclear Waste Management Organization's (NWMO) current siting process and proposed approach and asked the Government of Ontario to adopt a Proximity Principle with regards to nuclear fuel waste. If adopted by Ontario, such a principle would prevent the dangerous long-distance transportation of this waste.

We are disappointed by your response. While we realized that the adoption of the Proximity Principle would be a major departure from the status quo and so was unlikely to occur immediately, we were pleased to have the opportunity to introduce the Principle to the Members of the Legislature, and we anticipated a thoughtful response. The denial of our request does not surprise us as much as the nature of your written response disappoints us.

In our petition, we set out a series of facts and observations with respect to the NWMO's proposed project and siting process, which your response completely overlooked.

Representatives in all levels of government find the science and issues around nuclear power generation and nuclear waste management to be complex and challenging, as do members of the public. It is all too easy for people in responsible positions to rely on nuclear industry representatives as their major – and often only – source of information about nuclear technology, its risks and its benefits. Our assessment of your response is that you have done just that.

In colloquial terms, relying solely or primarily on the nuclear industry to provide information to you about its product – and to manage the hazards inherent in its use – is “leaving the fox in charge of the henhouse.”

The NWMO is uniquely positioned, incorporated as a not-for-profit body comprised of the nuclear power companies (including Ontario Power Generation which provides 94% of the NWMO's \$137 million annual budget out of funds that come from Ontario's ratepayers). As you noted, the NWMO's mandate comes from Canada's *Nuclear Fuel Waste Act* (NFWA) which tasks the NWMO with finding a long-term management option for nuclear fuel waste. However, the NFWA is silent on the means and methods of carrying out this mandate. The Province of Ontario, on the other hand, has the ability to direct its own Crown Corporation (Ontario Power Generation) and to course correct both radioactive waste management in Ontario and more broadly through OPG's leadership in the Nuclear Waste Management Organization.

While failing to respond to the statements set out in our Petition, your letter did convey several half-truths or misrepresentations which must be addressed, including:

- Your reference to the potential host community of the Town of Ignace strongly suggests that you are unaware that the Revell Area, the candidate site in Northwestern Ontario, is approximately equidistant between the Township of Ignace and the City of Dryden and is 50 km outside the Township of Ignace; there are several communities closer to the candidate site
- The NWMO comparison of three options was carried out between 2002 and 2005 and did not address several of the factors you identify, but did conclude that extended storage at the reactor station was a viable option, although not the option that NWMO selected
- Rolling stewardship is mischaracterized in your letter; rolling stewardship is not a technical method but a management approach which emphasizes monitoring and remediation over the very long term; it opts for continued responsible caretaking versus the approach of abandonment which is a key feature of the NWMO's approach
- Generally, the term "international best practice" is reserved for activities which have been practiced and for which there is operational experience; this is not the case for deep geological repositories, as there is not a single approved or operating deep geological repository for high-level nuclear waste anywhere in the world, despite more than fifty years of study and effort by the nuclear industry world-wide
- Posiva, the Finnish proponent, received a construction permit in 2015 to establish underground ramps which they have used for research purposes, but Posiva only applied for their operating permit in December 2021 and the regulator has recently announced that additional information is required and the review will require additional time; the Swedish proponent, SKB, applied for an operating permit in 2011 and while they received a political approval last year SKB has yet to receive a permit or approval from the Land and Environment Court; France and Switzerland have selected candidate sites, but France is in the early stages of the permitting process and Switzerland in an even earlier phase; the U.S. had selected a site and was in the permitting process before abandoning it several years ago and is now pursuing the option of centralized storage
- Your letter also indicates a misunderstanding of transportation matters; for example, it is not the CNSC that would carry out the safety tests of transportation packages, but in fact a recent Access to Information response confirmed that while the NWMO's Used Fuel Transportation package (UFTP) was subject to half-scale drop tests by Ontario Hydro in the 1980s there has been no full-scale testing of the UFTP, while the NWMO's other transportation package is still at the concept stage; other issues are related to emergency planning and response and security measures, which are concerns particularly for the hundreds of communities along the transportation route who are being wholly shut out of the site selection process

We understand that these are complex matters with detailed histories and that as an elected official you may not have had the opportunity for as much discussion and exchange of ideas and information as the issues warrant. In that spirit, we wish to thank you for this initial response, and request the opportunity to meet with you at your convenience to continue this dialogue.

Sincerely,



Charles Faust  
Nuclear Free Thunder Bay



Dodie LeGassick  
Environment North



Brennain Lloyd  
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W.J. Noll  
Protect Our Waterways