

March 8, 2011

Environmental groups commence legal proceedings against proposed shipment of radioactive waste through the Great Lakes

TORONTO – The Canadian Environmental Law Association (CELA) and Sierra Club Canada (SCC) announced today that they have jointly commenced legal proceedings in the Federal Court of Canada in relation to the controversial proposal by Bruce Power Inc. to ship radioactive waste to Sweden.

“Major policy changes in the handling of nuclear waste should not be made in an ad hoc fashion,” said John Bennett, Executive Director of Sierra Club Canada. “Municipalities, First Nations, organizations and individuals all demanded to be heard on the shipping of 1,600 tonnes of nuclear waste through the Great Lakes and the St. Lawrence River, but their concerns were ignored.”

CELA and SCC are seeking judicial review of two approvals recently issued by the Canadian Nuclear Safety Commission. These approvals allow Bruce Power Inc. to transport and export 16 decommissioned steam generators on a single ship through the Great Lakes-St. Lawrence Seaway and across the Atlantic Ocean to a private commercial facility in Sweden for “recycling” purposes.

The steam generators were formerly used at the Bruce A Nuclear Generating Station, and they contain a number of radioactive substances, including various isotopes of plutonium. After the “recycling” process is completed in Sweden, Bruce Power Inc. proposes to ship the leftover radioactive waste to Halifax, and then transport it by road back to Western Waste Management Facility at the Bruce site near Kincardine, Ontario.

“Our judicial review applications challenge the legality of the two approvals,” said Theresa McClenaghan, counsel and Executive Director with CELA. “It is our position that the Canadian Nuclear Safety Commission erred in law and jurisdiction when granting these approvals.”

“Both of the approvals were granted by the Commission without conducting an environmental assessment (EA) under the Canadian Environmental Assessment Act,” said Richard Lindgren, counsel with CELA. “The judicial review applications essentially ask the Federal Court to rule whether a federal EA was required as a matter of law.”

The next step in this litigation is for the named respondents – Attorney General of Canada, Minister of Transport, and Bruce Power Inc. – to file Notices of Appearance to indicate that they intend to respond to the judicial review applications.

The judicial review applications were issued by the Federal Court on March 4, 2011, and can be accessed here. Other resources regarding this matter can be accessed on CELA’s website and SCC’s website.

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