



# ***MEDIA RELEASE***

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**FOR IMMEDIATE RELEASE**

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## **Canadian Nuclear Safety Commission Denied Intervention in Judicial Review of its Steam Generators Shipping Decision**

Toronto - Today, the Sierra Club Canada and the Canadian Environmental Law Association received notice from the Federal Court of Canada that a Motion by the Canadian Nuclear Safety Commission (CNSC) for leave to intervene in the Judicial Review of the CNSC's decision giving Bruce Power a special license to ship 16 steam generators from the Bruce Power facility to Owen Sound and through the Great Lakes to Sweden was denied by the Court.

The CNSC had sought to intervene in the proceeding, seeking leave to file affidavit evidence in the matter, to provide a perspective different from the parties, and to provide its role and expertise to provide context to the issues in dispute and to fully explain its process.

However, the Federal Court Order stated that the CNSC had failed to indicate what facts it would propose to introduce; on what basis it believes those facts are not already contained in the parties' affidavits, and how those facts might be necessary or useful in determining the issues before the Court. The Court Order also stated that no indication was given as to how CNSC's perspective would differ from the Respondents, nor how context about its process might be relevant or even useful to the Court.

Most importantly, the Court noted that the central issue in the application concerns the interpretation of the *Canadian Environmental Assessment Act* and whether an Environmental Assessment was required to be conducted before the CNSC could issue a license. The Court noted that the CNSC had addressed and thus already spoken to this issue in its decision. In the Court's conclusion, the Court was not satisfied that the intervention of the CNSC in the matter would be appropriate.

"We are of the view that this decision is consistent with the Court's prior jurisprudence," noted Theresa McClenaghan, Executive Director of the Canadian Environmental Law Association. "In general, the Courts are very careful before allowing a decision maker to Intervene in a Judicial Review of its own decision."

"We feel that the CNSC had the opportunity to consider our arguments and provide its reasons when it made the decision to allow the special license to ship the steam generators," noted John Bennett, Executive Director of the Sierra Club Canada. "We did not think it was appropriate for that decision maker to intervene in this case. Therefore we are pleased with this decision by the Federal Court."

CELA and the Sierra Club Canada have just filed their Applicants Record and legal argument in this case with the Federal Court; the next step is to receive the legal arguments from the Respondents, Attorney General of Canada and Bruce Power Inc.

To view the Decision:

[http://www.cela.ca/sites/cela.ca/files/Court\\_order\\_re\\_CNSC\\_intervention\\_dated\\_June\\_9.pdf](http://www.cela.ca/sites/cela.ca/files/Court_order_re_CNSC_intervention_dated_June_9.pdf)

To view the Factum and Notices of Application:

[http://www.cela.ca/sites/cela.ca/files/Applicants'\\_Memorandum\\_Complete.pdf](http://www.cela.ca/sites/cela.ca/files/Applicants'_Memorandum_Complete.pdf)

[http://www.cela.ca/sites/cela.ca/files/T-361-11\\_Packaging\\_and\\_Transport.pdf](http://www.cela.ca/sites/cela.ca/files/T-361-11_Packaging_and_Transport.pdf)

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