

1 **HEARING DAY TWO**

2 **Rio Algom Limited:**

3 **Application for a Radioactive Waste Facility**

4 **Operating Licence**

5 The first item on the agenda is
6 hearing day two on the application by Rio Algom
7 Limited for a radioactive waste facility operating
8 licence.

9 For the record, I would like to
10 inform all participants at this hearing that the
11 proceedings are being broadcast by video
12 conference to Elliot Lake. There had been a
13 request for the Commission to move the hearing to
14 Elliot Lake. For reasons of the Commission's
15 workload and plans, this request has been denied.
16 I wish to acknowledge that there are citizens of
17 Elliot Lake that are receiving a video feed at
18 this time.

19 The first day of the public
20 hearing on this application was held on April 18,
21 2002. The public was invited to participate
22 either by oral presentation or by written
23 submission on hearing day two. May 28 was the
24 deadline set for filing by intervenors, and the
25 Commission received six requests for intervention.

1 Commission Members present for day
2 one of the hearing were Dr. Barnes, Dr. Giroux,
3 Mr. Graham and myself. Since Commission Member Ms
4 MacLachlan was absent on April 18, she will not be
5 participating in the discussion or the decision
6 today. Since Dr. Barnes is not here today he will
7 not be participating in the decision making.

8 Presentations were made on day one
9 by the applicant Rio Algom Limited under CMDs 02-
10 H10.1, 02-H10.1A, and by Commission staff under
11 CMD 02-H10.

12 I note that today supplementary
13 information has been filed by the applicant and by
14 CNSC staff.

15 I would like to start the hearing
16 today by calling on the oral presentation by Rio
17 Algom Limited as outlined in CMD Document 02-
18 H10.1B.

19 I would turn it over to Ms Wiber.
20 Good morning.

21

22 **02-H10.1B**

23 **Oral Presentation by Rio Algom Limited**

24 MS WIBER: CNSC intervenors that
25 are present and to those watching in Elliot Lake,

1 quickly I will try to introduce who we are. My
2 name is Maxine Wiber. I am with Rio Algom Limited
3 and BHP Billiton. My title is Vice-President of
4 Health, Safety, Environment and community. I have
5 responsibility for closed mines within the
6 company. Also, I am an officer of Rio Algom
7 Limited.

8 With me on my left is Art Coggan,
9 Manager of Environment and Reclamation for Rio
10 Algom Limited based in Elliot Lake. To my right
11 is Ken Black, Director of Health, Safety,
12 Environment and Closed Mines for BHP Billiton Base
13 Metals. Also, just behind us and to my right is
14 Ian Ludgate. Ian is Manager, Denison
15 Environmental Services, and has responsibility for
16 the operation, care and maintenance of the Rio
17 Algom Limited properties in Elliot Lake.

18 I would like to, in I hope brief
19 words, respond to the CNSC Commission questions
20 from day one. These are around reporting, public
21 communication and our annual operating budget.
22 Secondly, I will try to give a response to the
23 intervenor questions, not all of them but some of
24 these that were presented.

25 On reporting, Commission, we

1 believe that the current monthly reporting on
2 water quality and our annual assessments of
3 results and the annual CNSC inspection of the
4 sites is appropriate to continue.

5 We further suggest that the status
6 report to the Commission should coincide with the
7 results of the environmental effects monitoring
8 program. This way we can combine the performance
9 of the operating care and maintenance program with
10 the environmental effects that we observe.

11 On public communication, I would
12 say that it has always been the practice of our
13 company to engage with the public. We do intend
14 to work closely with the standing environment
15 committee that has been formed by the communities
16 to work with us and to give ongoing reports on the
17 status of our closure activities.

18 I think we are very flexible and
19 community reports can be given at the request of
20 the communities themselves, either through SEC or
21 directly with the municipalities and first nation.

22 Just some ideas that we have and
23 we don't really know it is appropriate, I think
24 some of the intervenors made a comment that I
25 think is very relevant and that is that the open

1 houses are not effective ways of engaging
2 communities and they are not effective ways of
3 really explaining because of the difficulties
4 people have in attending such meetings. We need
5 to do a better job of -- different ways perhaps in
6 engaging with the local communities.

7 Some ideas are of course an annual
8 public report. I think there is some value in
9 having a more formal annual event. We would
10 present our results and, in addition, we would
11 discuss public complaints and any non-compliance
12 that we had, any spills that we had for that year.

13 Annual meetings with SEC or with
14 each municipality and Serpent River First Nation
15 would be possible as well.

16 Public tours. We have made it our
17 practice and we will continue if there is an
18 interest in doing so.

19 There were some requests that
20 communities participate in site inspections and in
21 audits. This is a little bit new for us, but we
22 are willing to engage and invite members of SEC or
23 members of the community to participate in site
24 inspections and in audits. For example, it could
25 be that in a particular area, let's say emergency

1 planning or emergency response, that the community
2 may have a particular interest and we would be
3 happy to run through our procedures with the
4 community and have them audited.

5 I think just in general we do need
6 and we have an obligation to respond to the
7 interested people in the community and we are
8 committed to doing so.

9 We also recognize we do have some
10 limitations, but I think with modern technology
11 and with the depth of knowledge that we have and
12 the people at Elliot Lake we can do a good job of
13 that. So we do see a value in having the public
14 participate with us in these types of things.

15 On the annual operating cost, this
16 issue is raised to clarify some questions from day
17 one.

18 The annual ongoing managing and
19 operating cost is approximately \$3 million. This
20 was 2001 dollars. This is only for the historic
21 mines.

22 The annual monitoring costs for
23 the 2001 fiscal year was approximately \$1 million.
24 That includes our analytical costs, consulting and
25 reporting. When we break it down, we find that

1 about \$300,000 was to analysis of the samples and
2 then the other two-thirds is for the consulting
3 time for preparing reports, for the stewardship of
4 the samples, for the interpretation of results and
5 submitting reports. It is about a one-third/ two-
6 thirds relationship.

7 This is really all I have. In
8 conclusion, Rio Algom does request approval of the
9 environmental assessment screening report and our
10 application for a radioactive waste facility
11 operating licence.

12 Thank you.

13 THE CHAIRPERSON: Thank you very
14 much.

15 With the permission of the
16 Commission Members I would like to turn to the
17 staff to make their oral presentation as outlined
18 in CMD Document 02-H10.A. I will turn to Ms
19 Maloney, Director General, Directorate of Nuclear
20 Cycle and Facilities Regulation.

21 Ms Maloney.

22

23 **02-H10.A**

24 **Oral Presentation by CNSC staff**

25 MS MALONEY: Thank you, Madam

1 Chair. For the record, I am Cait Maloney,
2 Director General of the Directorate of Nuclear
3 Cycle and Facilities Regulation.

4 With me today for day two of this
5 hearing are Rick McCabe, Director of the Uranium
6 Mines and Lands Evaluation Division, and Robert
7 Barker, the project officer for the Elliot Lake
8 facilities, as well as several CNSC staff.

9 Rio Algom Limited has applied to
10 licence five uranium mine tailings management
11 sites in the area of Elliot Lake, Ontario. These
12 five sites, Spanish-American, Milliken, Lacnor,
13 Nordic/Buckles and Pronto, are associated with
14 uranium mines that were in operation between 1955
15 and 1968.

16 The activities to be licensed are
17 the possession, storage and management of nuclear
18 substances currently located within the existing
19 facility. No new construction is proposed, nor
20 would any new nuclear substances be added to the
21 facility. Management of the nuclear substances
22 consists of routine site inspection, maintenance,
23 environmental monitoring and the treatment of
24 effluent water.

25 The staff presentation today

1 addresses five topic areas as a result of day one
2 of the hearing for items that have been identified
3 since then. The topics are: proposed
4 modification to the draft licence; a clarification
5 on the environmental monitoring program; a
6 recommendation on the timing of status reports to
7 this Commission; an update on communication with
8 members of the public; and a clarification on the
9 sequencing of the environmental assessment and the
10 licensing decisions.

11 I will pass this over to Mr.
12 Barker, the project officer, to further the
13 presentation.

14 MR. BARKER: Thank you.

15 For the record, my name is Robert
16 Barker. I am a project officer in the Uranium
17 Mines and Lands Evaluation Division.

18 I would speak first to the
19 modification to the proposed licence.

20 The draft licence submitted during
21 day one of the hearing referenced the
22 environmental assessment screening report in its
23 entirety in Appendix B to the licence. As an
24 inclusion to the licence, this report would become
25 part of the licence, yet it references a

1 significant volume of information not directly
2 related to the ongoing operations of the proposed
3 facility.

4 CNSC staff requested that Rio
5 Algom extract the commitments made in this report
6 and submit them as a separate document for CNSC
7 staff review. This has been done and CNSC staff
8 are satisfied that it represents the commitments
9 made in the environmental assessment screening
10 report. Therefore, CNSC staff have reconsidered
11 their initial recommendation and now propose that
12 Appendix B, item 1 of the proposed licence that
13 previously referenced the entire environmental
14 assessment screening report be replaced by a
15 reference to this document.

16 During day one of the hearing,
17 concerns were raised by Commission Members about
18 the scope of the environmental monitoring programs
19 in the context of Rio Algom's estimated annual
20 operating budget for the Elliot Lake area.

21 CNSC staff note that these costs
22 represent maintenance, operations and inspections
23 of its water treatment facilities, tailings
24 management areas and other land holdings. In
25 addition, funds are expended on the conduct of its

1 environmental monitoring programs and its
2 environmental effects monitoring programs.

3 Therefore, the proposed
4 environmental monitoring programs related to this
5 application are an incremental cost and activity
6 covering a portion of the total expense of all of
7 the facility operations and programs.

8 CNSC staff have considered the
9 directions from the Commission Members from day
10 one of the hearing regarding optimizing the timing
11 and frequency of CNSC staff status reports to the
12 Commission and now recommend that a staff status
13 report on the facility be provided to the
14 Commission initially in December 2005 and
15 thereafter every five years.

16 This recommendation is based upon
17 the objective of including both a summary facility
18 performance as reported by the facility-related
19 operational and environmental monitoring program
20 data, and a summary of the off-site environmental
21 effects monitoring program.

22 This timing would allow the
23 licensee sufficient time to compile and report to
24 CNSC staff on the environmental effects monitoring
25 program, which is reported on a five-year cycle

1 and to allow staff the opportunity to review the
2 data for presentation to the Commission in
3 conjunction with facility performance data.

4 CNSC staff note that this is not a
5 further reporting requirement for Rio Algom
6 Limited, but represents an alignment of reporting
7 frequencies to improve efficiency and allow more
8 comprehensive staff reports to the Commission on
9 facility performance.

10 I would like to update the
11 Commission on recent communications with members
12 of the public and others in Elliot Lake.

13 Recently, CNSC staff met with
14 members of the standing environmental committee of
15 the Serpent River Watershed, the Elliot Lake area
16 joint review group, city staff and members of the
17 public as represented by several recreational
18 clubs. As part of the annual CNSC compliance
19 program at the Rio Algom and Denison facilities,
20 inspections were conducted during the week of May
21 27.

22 Members of the standing
23 environmental committee, including the acting
24 chair, attended with staff from Rio Algom,
25 Denison, the CNSC and the joint review group.

1 This provided an opportunity over a three-day
2 period for the members of the committee to review
3 and discuss licensee operations in the Elliot lake
4 area with those in attendance. Discussions
5 centred around technical aspects of facility
6 operations, facility upkeep, access by the public
7 to areas of the facilities and information
8 programs.

9 In addition, a meeting was held in
10 Elliot Lake City Hall with members of the public,
11 as represented by various recreation clubs and
12 CNSC staff, Rio Algom, Denison, City of Elliot
13 Lake staff and members of the standing
14 environmental committee. The meeting was
15 requested by the public to review and discuss both
16 the licensing process and issues of site access by
17 the recreational clubs. CNSC staff believe that
18 clarification on these topics was provided to
19 those in attendance. As a result of this meeting,
20 the recreational clubs were to continue to meet
21 with Rio Algom and Denison regarding occasional
22 public access to areas of their properties.

23 These interactions provided a
24 forum for the parties to discuss and respond to
25 issues related to the ongoing operations of both

1 currently licensed facilities and those that are
2 subject to this application. Furthermore, CNSC
3 staff committed to organizing a one-day open house
4 in Elliot Lake in September to explain CNSC
5 activities when CNSC staff will be in the area
6 discharging other commitments.

7 With respect to the decisions
8 before the Commission regarding the approval of
9 the environmental assessment and the decision
10 regarding the licence application in the framework
11 of one public hearing, CNSC staff recognize that
12 this could create some concern. However, CNSC
13 staff note that this is clearly defined two-step
14 process.

15 The first step involves the
16 Commission considering the environmental
17 assessment, the views of CNSC staff and interested
18 parties and making a decision pursuant to section
19 20 of the Canadian Environmental Assessment Act.

20 As a second step, if the
21 Commission agrees with the assessment of CNSC
22 staff that the project is not likely to cause
23 significant adverse environmental effects, the
24 Commission may proceed to make a licensing
25 decision on the application pursuant to section 24

1 of the Nuclear Safety and Control Act.

2 CNSC staff note that this two-step
3 process is taking place in the context of one
4 public hearing. However, this process does not
5 result in a prejudging of the outcome of either
6 decision.

7 CNSC staff also note that both of
8 these activities allow sufficient opportunity for
9 public input into the process and that decisions
10 are made considering CNSC staff views and those of
11 interested parties.

12 Thank you.

13 8:55 a.m.

14 MS MALONEY: This concludes our
15 presentation.

16 Mr. McCabe will co-ordinate any
17 questions you have of staff. Thank you.

18 THE CHAIRPERSON: Thank you.

19 ** I now open the floor for questions
20 to the licensee and to the staff by Commission
21 members.

22 Mr. Graham.

23 MEMBER GRAHAM: Thank you.

24 Thank you, first of all, with
25 regard to the presentation with regard to the

1 annual operating costs. I thank you for the
2 clarification. I am still not fully clear, if I
3 could go through it for a moment.

4 The issue raised in the Day 1
5 hearings, the ongoing managing and operating costs
6 are approximately \$3 million. Does that include
7 the Quirke and Panel site also, or is that just
8 sites we are talking about today?

9 MS WIBER: What Art prepared was
10 really trying to apportion the costs. So these
11 are trying to represent only the historic mines,
12 operating, care and maintenance cost. It does
13 include the monitoring cost for them as well.

14 MEMBER GRAHAM: And the \$1 million
15 monitoring is strictly for the historic site and
16 not the Quirke and Panel again?

17 MS WIBER: Correct.

18 MEMBER GRAHAM: So that's \$4
19 million approximately?

20 MS WIBER: Yes. The total then
21 would be \$3 million still.

22 MEMBER GRAHAM: Three million
23 dollars I mean.

24 MS WIBER: So \$2 million is for
25 the operating, care and maintenance; \$2 million of

1 that, \$1 million is for the monitoring program.

2 MEMBER GRAHAM: In the
3 presentation that we had on Day 1 there was an
4 irrevocable letter of credit, I think \$14.6
5 million in place. Is this written down or reduced
6 as you spend certain amounts of money or does it
7 always remain in place at \$14.6 million?

8 MS WIBER: I believe it's
9 annually. Yes, there is an annual review of the
10 amount, the appropriateness of the amount, so an
11 annual review.

12 MEMBER GRAHAM: A question then to
13 CNSC staff: In the licence that you would be
14 issuing you don't have an amount and you don't
15 refer to an amount as such as a line of credit, as
16 an irrevocable line of credit or some sort of
17 securities. Could you explain how that would be
18 more or less catalogued or reduced and so on and
19 what is your interpretation of that?

20 MR. McCABE: Thank you. Rick
21 McCabe.

22 Yes, the \$14.6 million, as
23 indicated for the financial guarantee, is a
24 licence condition that they have to maintain that.
25 These financial guarantees are held by letters of

1 credit that are issued to the Commission in this
2 case and held in the finance department. This
3 provision is in the proposed financial guarantee
4 for an annual review. We don't see probably
5 changing the value of the financial guarantee on
6 that basis. We see it sort of taking time to
7 establish a trend and see how things are
8 happening. I think the annual review would be
9 worthwhile.

10 The letter of credit will be self-
11 renewing, as are the other letters of credit that
12 we have for the operating uranium mines.

13 MEMBER GRAHAM: Yes, but I guess
14 my concern or question is in the licence itself
15 under conditions of the licence is it spelled out?

16 MR. McCABE: No, the value is not
17 in the licence condition.

18 MEMBER GRAHAM: But will there be
19 in the licensing condition that certain guarantees
20 have to be maintained and that they will be
21 annually reviewed and so on?

22 MR. McCABE: That is a generic
23 condition in the licence.

24 MEMBER GRAHAM: It is worded there
25 as such, is it? I didn't see it.

1 MR. McCABE: Yes.

2 MEMBER GRAHAM: All right. Sorry.

3 That is my only question with
4 regard to guarantees. I will go to Dr. Giroux and
5 then I will come back.

6 THE CHAIRPERSON: Dr. Giroux.

7 MEMBER GIROUX: Thank you.

8 For Rio Algom I would like to
9 clarify one thing first. It has been indicated by
10 at least two intervenors that you are planning to
11 move your headquarters south of the border and
12 leave a single person in place. Is that correct?
13 Could you explain what is your strategy?

14 MS WIBER: Sure. I think that the
15 company of course has based its headquarters for
16 base metals, which includes the Rio Algom Limited
17 in Houston. So Ken Black has moved to Houston. I
18 am still based in Toronto.

19 Then the resources that we need
20 for each of the sites, of course they are at the
21 sites. So we have in East Kemptville in Nova
22 Scotia we have someone there. We have three
23 people there. We have other operations in Quebec,
24 for example, in Island Copper in B.C.

25 I think that these days it is

1 possible to manage from another place, if it is
2 Houston or Toronto or Vancouver or some other
3 place, it is possible. Rio Algom does maintain --
4 I believe the majority of the board members are
5 Canadian citizens. So Rio Algom continues to
6 exist and continues to be in Canada.

7 MEMBER GIROUX: Thank you.

8 Then the other question is
9 concerning -- you have a somewhat developed
10 communication program. You stated that in your
11 presentation and in the document we have also with
12 public annual reports and inspections and all
13 that. Would that be done by the single person
14 that you plan leaving on site?

15 MS WIBER: Depending, yes, --

16 MEMBER GIROUX: I am just
17 wondering if it is enough?

18 MS WIBER: Yes, depending on the
19 scope of the review or the scope of the
20 inspection. I think we also have the resources of
21 Denison and within Denison if, Ian, you could tell
22 us the number of people you have?

23 MR. LUDGATE: For the record, my
24 name is Ian Ludgate. I am the manager of Denison
25 Environmental Services. We have a total of five

1 full-time staff dedicated to the management of the
2 Rio Algom and the Denison sites in Elliot Lake.

3 MS WIBER: So we are supplemented
4 by the resources of the contractor. Also we would
5 send in -- I might come for a visit. Ken Black
6 would certainly be in attendance as having direct
7 responsibility for the ongoing care. Our local
8 person at the moment is Art Coggan. We are
9 working on a replacement for Art.

10 MEMBER GIROUX: And so you might,
11 if you are taking up again your program of tours
12 as you mentioned that you were willing to do and
13 you hold open houses and all that. This would be
14 done by the person there plus possibly
15 supplemented by people from Denison?

16 MS WIBER: Yes. I think it
17 depends in part on the topic that is being
18 reviewed. So there is quite a lot of retired
19 workers in Elliot Lake that have a good knowledge
20 of the sites, a good knowledge of the reclamation
21 work as well. We can also enlist the help of the
22 local people.

23 MEMBER GIROUX: Thank you. That
24 answers my question.

25 For staff, it is interesting, Rio

1 Algom has said they do not believe open houses are
2 very useful any more. Then staff proposes having
3 open houses for CNSC. There are two questions I
4 would like you to comment on. The first is:
5 Would that be a precedent for CNSC to hold open
6 houses at the licensee's facility or in the
7 vicinity of the licensee's facility?

8 The other one: Do you have any
9 concerns about the image of the independence of
10 the Commission if you hold an open house? You
11 might be in a position of defending whatever
12 operations or whatever is going on there, even
13 though your intention would be to explain what the
14 Commission is doing and what Commission staff is
15 doing on site. It might turn into a situation
16 where you would get aggressive questions and when
17 you say, "well, no, there is not dangerous," and
18 all that. Would you comment on that?

19 MS MALONEY: Thank you, Dr.
20 Giroux. It is Cait Maloney here.

21 I would start off this activity is
22 not a precedent. We, in fact, have had public
23 meetings on various issues. In fact, Mr. McCabe
24 and I had one the other night in Saskatchewan
25 talking about work we are doing with mines up

1 there.

2 Are we concerned about getting
3 aggressive questions? No, we are not. We do get
4 those.

5 We understand what our role is and
6 would stick to that. We do depend on the licensee
7 to explain themselves and their activities, but we
8 do expect to be able to explain what environmental
9 impacts are expected, how they would be
10 controlled, what monitoring we would be requiring,
11 what radiation protection programs would be in
12 place, that type of thing. I think it is a
13 perfectly reasonable activity for us to undertake.

14 MEMBER GIROUX: Thank you.

15 The other questions I have is in
16 your CMD on page 2 you address the issue of the
17 costs of the environmental monitoring that you are
18 asking the applicant to do. You say that this is
19 an incremental cost and it corresponds to a
20 fraction of the costs which are already necessary
21 for the overall monitoring program. Could you be
22 more specific on the size of the fraction? It can
23 be anything between zero and one I think.

24 MR. McCABE: Could I ask Mr.
25 Barker to respond to that?

1 MR. BARKER: The main point in
2 that part of the submission was in fact the
3 incremental costs are associated with the care and
4 maintenance of the historic properties that are
5 subject to this application, to the additional
6 environmental monitoring requirements subject to
7 this application. The ongoing costs that Rio
8 incurs are also related to three uranium mine
9 decommissioning licences. So there are costs
10 associated with water treatment facility
11 operations, care and maintenance of sites and the
12 Serpent River watershed.

13 The fraction of the costs, I think
14 perhaps Rio Algom would be in the best position to
15 answer the specific fraction of what the costs
16 would be.

17 MEMBER GIROUX: Then would you --

18 MS WIBER: Art is going to answer
19 the question for us.

20 MR. COGGAN: As I understand the
21 question it is what the fraction of the cost is
22 for monitoring. It is approximately 30 per cent.

23 We do a wide range of activities;
24 dam inspections, road maintenance, snowplowing,
25 vegetation removal, sampling, operation of the

1 plants, buying of reagents and so on. The two-
2 thirds covers those costs and one-third covers the
3 environmental monitoring which includes sampling,
4 analysis and data acquisition and reporting.

5 I'm sorry, did I answer the
6 question?

7 MEMBER GIROUX: I am not quite
8 sure. I think --

9 MR. COGGAN: I am not sure I quite
10 understood the question.

11 MEMBER GIROUX: I think you
12 answered the question about what fraction of the
13 annual budget is used for monitoring. But I think
14 the question was referring to the staff's
15 document. They argue that the environmental
16 monitoring is a fraction of the total expense of
17 monitoring and maintaining.

18 MR. COGGAN: I thought it was the
19 same question.

20 MEMBER GIROUX: Maybe that is the
21 question. Yes. Thank you.

22 So it is 30 per cent and that
23 refers back to what you said of about \$300,000
24 over a million. I am sorry, I failed to see the
25 connection there.

1 I have a further question for
2 staff. We heard Rio Algom tell us about their
3 plans for staffing and having a single person on
4 site. Are you satisfied that they will have the
5 staff necessary to do whatever is necessary for
6 the licence, all the monitoring and all the
7 operations which are necessary? Are you satisfied
8 that either a single person or with a
9 supplementary person from Denison, for instance?

10 MR. McCABE: Rick McCabe. Yes, we
11 are satisfied at this time. We will certainly do
12 as we do with all operations, continue to monitor
13 the staffing and what is happening in Elliot Lake.
14 At the present moment we are comfortable with what
15 is happening and accept that. Rio Algom can
16 respond either directly or through their
17 contractor to the needs at that site.

18 THE CHAIRPERSON: I have a
19 question for staff with regard to your proposed
20 reporting frequency on the licence. My
21 understanding then is that staff would do a status
22 report to the Commission as part of regular
23 Commission meeting business. Is that correct?

24 MR. McCABE: Yes, that was our
25 intention, to summarize the operating experience

1 and summarize an environmental effects monitoring
2 program results and present those to the
3 Commission which would have Rio Algom do that.
4 Then we would summarize and accept that, or review
5 that. Then we would have an overall program by
6 which we could assure the Commission that the
7 performance of those facilities would be as
8 predicted or modified as needed.

9 THE CHAIRPERSON: Could you
10 elaborate on why the date of December 2005 was
11 chosen?

12 MR. McCABE: I will ask Mr. Barker
13 to give us the exact timing for the samples.

14 MR. BARKER: Thank you. For the
15 record, Bob Barker.

16 2005 is coincidental with
17 basically the longest term of the program, which
18 is the Serpent River watershed monitoring program.
19 It has a five-year cycle and it started in 1999.
20 Therefore, the first cycle will be concluded in
21 2004. Then that allows Rio Algom time to compile
22 the report of the environmental effects monitoring
23 program, submit it to CNSC staff for staff to
24 review it and accept it, and then be in a position
25 to present it to the Commission in 2005.

1 THE CHAIRPERSON: A question for
2 the licensee, acknowledging that the staff will be
3 the group filing this report with the Commission,
4 but is Rio Algom -- knowing that Rio Algom would
5 be contributing to this report is that timing in
6 line with your activities?

7 MS WIBER: That timing will be
8 satisfactory, yes.

9 THE CHAIRPERSON: Is Rio Algom
10 supportive of the subsequent five year reporting,
11 status reporting to the Commission?

12 MS WIBER: Yes.

13 THE CHAIRPERSON: Further
14 questions, Mr. Graham?

15 MEMBER GRAHAM: Yes. On the
16 communications and consultation process that you
17 are proposing here this morning do I gather that
18 this sole responsibility of annual public
19 reporting, the tours, the stakeholder
20 participation, the meeting with first nations, all
21 of that will be conducted by the sole employee
22 that you would have remaining there?

23 MS WIBER: As I said, I think it
24 depends on the nature of the meetings and the
25 topics that are being presented. So very often we

1 will have in attendance a consultant or experts
2 that have helped us. It could be that the
3 consulting engineer would be present to answer
4 questions around dams. It could be Ken would
5 likely be there in his manager role. I might come
6 also. I think we can supplement resources with
7 that.

8 This is not an onerous
9 requirement. I think that the meetings usually
10 are held, even if they are held three or four
11 times a year, this is not onerous. It is not
12 really that hard to organize. Art would like to
13 have the meetings at Tim Horton's. He thinks more
14 people would attend.

15 If the Commission permits me, I
16 would like to clarify the comment around open
17 houses. I think that really an open house for us
18 has shown quite poor attendance and that was
19 really what I was speaking to. We have an
20 obligation to make our information accessible. If
21 we only do that through an open house we are
22 restricting a lot of people. Either they are shut
23 in and cannot come or they are watching hockey or
24 something, or even their son or daughter's hockey
25 game which is also very important.

1 have on call 24 hours every single day a
2 management system for handling crisis and
3 emergency events. The process is: We would get
4 notification, Ken Black would get it or it would
5 go to our notification centre which we have that
6 operates on a worldwide basis. Elliot Lake will
7 be able to notify the centre that something awful
8 has happened or something unexpected has happened.
9 That centre immediately notifies the members of
10 the crisis team. The team includes myself, Ken
11 Black, others within the Rio Algom organization;
12 it would include the Rio Algom president, as well
13 as some of the resources within
14 BHP Billiton out of Houston. We would have a
15 response team there, talking to the site, I hope,
16 within hours. We do have quite a well-developed
17 system for emergency response. I think that we
18 have, through our contractor, access to equipment.
19 We have our consultant's access. In this area we
20 would respond in the proper way. We rely very
21 heavily on the time. We put a lot of emphasis on
22 a very quick response time, which is the reason
23 for the 24-hour emergency call centre. So Ken
24 Black could get a call one midnight from Art -- I
25 guess it would start with Denison. I think we

1 have this understood and we have plans in place
2 for that.

3 MEMBER GRAHAM: Thank you. The
4 comfort level for the community, I guess of non-
5 routine events, is the concern. That is all I
6 have for the moment.

7 THE CHAIRPERSON: Dr. Giroux...?

8 MEMBER GIROUX: Just one further
9 question for the staff along the same lines.

10 You mentioned in your CMD that you
11 set up a meeting, or two meetings, in a week in
12 May in Elliot Lake. You had members of the public
13 at the meeting and you had, also, members of the
14 SEC joining the inspection team.

15 My question is: How many people
16 from the public -- how many members of the public
17 attended that meeting?

18 MR. McCABE: The meeting was set
19 up initially to meet with some of the clubs, the
20 walking clubs, the skidoo clubs and those type of
21 people, in Elliot Lake. As we were in Elliot Lake
22 that week, it became apparent that others wanted
23 to talk to us. To say exactly direct members of
24 the public not representing another specific
25 group, there was no one there from that

1 perspective.

2 We called that meeting very
3 specifically to discuss with these people casual
4 access to the site. Each of the people at that
5 meeting represented a group of the -- or the
6 presidents or the executive of a group. There
7 were some what, 17 people at that meeting. That
8 included the Standing Environmental Committee.

9 What became apparent at that
10 meeting, to us, very quickly in the discussions
11 was that people did not understand the licensing
12 process that was taking place. They didn't
13 appreciate a lot of the things that were happening
14 with regard to the licensing. Wording certainly
15 caused them some confusion. That is why we
16 committed to what we are calling now an open
17 house. But it was really to explain our process
18 so that the people, particularly those who are
19 continually involved in the Elliot Lake monitoring
20 type thing, the SEC particularly, would understand
21 what the licensing meant. It was how the
22 activities are restricted, how the reference
23 documents work and all those things. That is the
24 objective of this open house, to do that.

25 MEMBER GIROUX: If I understand

1 correctly, the main objective of the meeting you
2 did hold was more concerned about access and non-
3 access, not about safety. Is that correct?

4 MR. McCABE: The meeting started
5 out with the clubs, like I say, the skidoo clubs,
6 et cetera, wanting access in proximity, to use the
7 trails adjacent to the property and those kind of
8 things. Subsequent to the meeting, they were to
9 meet with Rio Algom and Denison to work out those
10 details.

11 MEMBER GIROUX: Just out of
12 curiosity, do they have access to the site, for
13 skidoos and walking clubs? Or is the site
14 prohibited?

15 MR. McCABE: We don't provide for
16 the access. Rio Algom allows the access for people
17 to those sites, not in close proximity to the
18 tailings areas or anything but around the
19 periphery of the sites, for walking trails and
20 things like that.

21 MEMBER GIROUX: Do you mind
22 commenting?

23 MS WIBER: Art Coggan is the best
24 to answer this question.

25 Access is a concern of ours and

1 public safety is the very first concern in all of
2 our plans.

3 MR. COGGAN: Art Coggan, for the
4 record.

5 In response to the question, we do
6 not allow public access to the tailings
7 themselves. We do have some public access to the
8 peripheral areas, which are also within the
9 licence, which would cover the former mine sites,
10 for example, which have been scanned for gamma
11 radiation and shown to be below the public limit
12 and so on.

13 With regard to the direct question
14 of skidoo trails, that type of thing, we have no
15 difficulty with it providing there isn't a
16 liability issue for the company or there isn't a
17 potential interference with water flows and that
18 type of thing.

19 In general, we discourage
20 mechanized access to the properties because they
21 tend to be more disruptive, but we do not
22 discourage casual access for hiking and so on,
23 excluding the tailings areas. We do not permit
24 access to the tailings areas for any types of
25 activities.

1 MEMBER GIROUX: Are these fenced
2 in?

3 MR. COGGAN: All of the access
4 areas, roads and so on, to the tailings areas are
5 fenced or otherwise blocked, but the entire
6 tailings area isn't. We have to realize that
7 these are very large areas, hundreds of hectares
8 in some cases, and in bushland and a person could
9 enter them through the bush, yes.

10 THE CHAIRPERSON: I would like
11 then now to move to the interventions. I would
12 just like to remind all the intervenors before the
13 Commission today that we have allocated
14 approximately 10 minutes for each oral
15 presentation and I would like your help to help us
16 with our time management.

17 On that basis, we would begin by
18 the oral presentation by the Elliot Lake Research
19 Field Station of Laurentian University, as
20 outlined in CMD Document 02-H10.2.

21 I understand the director of the
22 field station is with us today. Welcome.

23 **02-H13.B**

24 **Oral presentation by Elliot Lake Research Field**
25 **Station of Laurentian University**

1 MR. McCREATH: Thank you, Madam
2 President, Members of the Commission, and thank
3 you for the opportunity to address you today.

4 My name is Dougal McCreath. I am
5 a Professor of Engineering at Laurentian
6 University in Sudbury.

7 My interest and involvement in
8 this matter derives from two sources.

9 Firstly, I was a member of the
10 Federal Environmental Assessment Review Panel, the
11 so-called Kirkwood Panel, which reviewed the
12 decommissioning plans for the uranium mine
13 tailings areas around Elliot Lake.

14 Secondly, I am the current
15 Director of the Elliot Lake Research Field Station
16 of Laurentian University.

17 To set the context of my remarks,
18 I would like to briefly comment on these two
19 items.

20 The Kirkwood Panel report was
21 submitted in 1996 and contained a series of
22 conclusions and recommendations regarding the
23 uranium tailings disposal areas. Throughout our
24 considerations as that panel, we remained sharply
25 aware of the special nature of these areas with

1 respect to the communities around them. These are
2 not remote sites but are closely connected to the
3 communities at Elliot Lake, Serpent River and the
4 North Shore. It is particularly this special
5 nature of the sites that underlines my
6 intervention before these hearings.

7 The Elliot Lake Research Field
8 Station of Laurentian University was set up with
9 initial seed funding from both public and private
10 sources, with a requirement to become ultimately
11 financially self-sufficient.

12 The field station was, and is,
13 intended to fulfil two missions.

14 One, to maintain as much economic
15 and scientific presence within the community as
16 possible associated with the long-term testing and
17 monitoring of the tailings disposal areas.

18 Second, to support, with
19 Laurentian University, ongoing education and
20 research associated with the long-term response of
21 the tailings areas. These missions have been well
22 addressed to date.

23 The relevant point here is the
24 continued existence of this community-based
25 facility depends directly on continuation of the

1 work that is currently being done for Rio Algom
2 and Denison with regard to the monitoring
3 programs.

4 From these perspectives, I wish to
5 make three points regarding this licence
6 application by Rio Algom.

7 First, let me be clear that I am
8 fully supportive of the need to operate these
9 facilities under CNSC licence. This approach
10 responds directly to one of the recommendations of
11 the Kirkwood Panel. The recommendation was based
12 in part on our judgment that public confidence in
13 the safe management of the so-called historical
14 waste sites would best be served through a formal
15 licensing process.

16 I am please to compliment the
17 applicant, Rio Algom, and the CNSC staff on what I
18 believe to have been a thorough process of testing
19 and review that has been undertaken as part of
20 this licence application process.

21 Secondly, given the special nature
22 of these facilities with respect to the proximity
23 of the communities within the watershed, I am
24 concerned that continuing reduction in the scope
25 of the monitoring programs, if permitted by the

1 CNSC, runs the risk of eroding social confidence
2 in the safety of these facilities. I note that
3 the CNSC screening report, dated May 2001,
4 comments that the then current monitoring programs
5 gave them confidence that the project was not
6 likely to cause significant adverse environmental
7 effects. However, it is also noted that sampling
8 frequencies, parameters and locations will be, and
9 I quote, "further rationalized", unquote, and this
10 phrase causes me some concern.

11 I am seeking assurance from the
12 Commission that no changes to the monitoring
13 programs will be permitted without specific
14 regulatory review and, most importantly, that all
15 such reviews will take full account of the
16 critical need to maintain the confidence of the
17 watershed communities. A minimalist approach
18 based strictly on scientific arguments, data
19 interpretations and projections into the future
20 will not be sufficient alone to maintain community
21 trust.

22 Again, I would emphasize these are
23 not remote sites.

24 Third, and finally, I am concerned
25 that Rio Algom and the Commission do not lose

1 sight of the undertakings and obligations given by
2 the applicant in front of the Kirkwood Panel to
3 keep as much of the monitoring-associated work as
4 possible within the community rather than sending
5 it off site. There are important reasons for
6 doing so. There is, of course, direct economic
7 benefit to the community that actually lives with
8 these tailings facilities on a day-to-day basis.
9 More importantly, this approach brings the
10 knowledge to the community that there are people
11 who live and work and raise families within the
12 community, friends and neighbours, who have direct
13 involvement with and who have confidence in the
14 accuracy and veracity of the monitoring results.

15 I am seeking public assurances
16 from the applicant, Rio Algom, and from the
17 Commission, that provided two conditions are met,
18 (a) the Elliot Lake laboratory meets all
19 applicable technical standards and (b) that the
20 laboratory demonstrates that it remains cost
21 competitive for the services provided, then under
22 those conditions work associated with the
23 monitoring programs and which can be done
24 effectively within the community will not be
25 removed from the community.

1 I would add that in response to
2 these two conditions, the laboratory has
3 undertaken and is now a fully accredited
4 laboratory.

5 Secondly, we provide, on an
6 ongoing basis to the applicant, documentation of
7 our cost-competitive nature for all testing work
8 that is done.

9 I am pleased to say that to date
10 we have had excellent relationships with the
11 applicant and I am pleased to say that this
12 approach clearly has been the policy of the
13 applicant to date. It is my hope that this will
14 continue to be the case.

15 I look forward to confirmation of
16 my understanding in this regard.

17 However, I would add the comment
18 that we have been informed that both Rio Algom and
19 Denison intend to put this work out to competitive
20 bidding from large commercial laboratories in the
21 near future. Such a process would place an
22 onerous burden on a small laboratory and it would
23 place us at high risk of losing this work. If
24 this work is lost in the community for a single
25 year, this facility will close immediately.

1 Thank you for your attention to
2 these concerns.

3 THE CHAIRPERSON: Thank you for
4 your submission. The floor is now open for
5 questions from the Commission members.

6 Dr. Giroux...?

7 MEMBER GIROUX: This is quite an
8 interesting presentation. I am a bit puzzled
9 about how the Commission should view this.

10 You have not mentioned safety in
11 your presentation, I believe, and I understand
12 very well that your argument is economic and
13 community-based.

14 The first question would be: Is
15 your laboratory the only one in the community that
16 can do this work? Or are there others that might
17 compete?

18 MR. McCREATH: Indeed this is the
19 only laboratory. This is a very sophisticated
20 laboratory in a very small community and depends
21 solely on this work.

22 If I may, my argument is not
23 solely economic. The existence of the laboratory
24 is clearly economic, but my argument also is
25 strongly that embedding this work within the

1 community, and my belief, is a fundamental part of
2 the monitoring process and the public confidence
3 in that process. That will not be the case 10 or
4 20 years down the line if this work is being done
5 by some remote laboratory and the results shipped
6 via the applicant to the CNSC staff. That is a
7 very different framework.

8 MEMBER GIROUX: I must say that
9 personally I am quite sympathetic with the idea,
10 not of answering directly your request but that
11 the university might develop and maintain
12 expertise in tailings management. This makes a
13 lot of sense because of your location.

14 But you said that you should be
15 appointed as the contractor under two conditions,
16 one, that you have the competency and, two, that
17 you be cost competitive, and yet you seem to
18 object to having an open competition based on
19 cost. Could you answer that?

20 MR. McCREATH: Of course. I
21 understand the puzzlement.

22 This is a relatively small
23 laboratory. I worked in the consulting industry
24 for 25 years and if I was seeing an RFP, a request
25 for proposal, for this work to come out and I was

1 running a large southern Ontario laboratory, I
2 might very well be prepared to go to low-ball this
3 bid for the first year or two on the basis that if
4 I win this work for the first year or two the
5 Elliot Lake Laboratory will be out of business and
6 we have a chance then to have that work for many,
7 many years. We cannot do that in this laboratory.

8 We do provide clear and continuing
9 documentation that every single test that we do is
10 cost competitive. If we are forced, however, to
11 go to a head-on competition with large commercial
12 laboratories, we are at very real risk of losing
13 that competition to them because we cannot afford
14 to cut our throats for one year of bidding. That
15 is my concern, Dr. Giroux.

16 MEMBER GIROUX: What you are
17 talking about here is a fraction of the \$300,000
18 spent yearly on monitoring --

19 MR. McCREATH: Yes. It is a very
20 significant fraction, indeed, I would say. I
21 don't know the -- virtually all of it.

22 MEMBER GIROUX: Thank you. I have
23 no other questions.

24 THE CHAIRPERSON: Mr. Graham...?

25 MEMBER GRAHAM: As a follow up,

1 maybe Rio Algom can give us an idea of roughly
2 what that contract is worth and how large it is.

3 MS WIBER: Actually, the value is
4 300,000. That number that we gave of a million,
5 the 300,000 is the annual analysis of the samples.

6 Just if I may, Commission, I would
7 like to comment on the cost competitive issue that
8 Dougal raises.

9 We have been sensitive to that
10 issue and in fact we have not gone for competitive
11 tender on this work. It does not follow good
12 business practice. However, we did believe in the
13 integrity of the sampling and we do continue to
14 want to support the local laboratory. I believe
15 we did help participate in the set-up as well.

16 We are concerned about integrity
17 of our data. It is a big issue for us, and of
18 course with the community it is a very topical and
19 big concern. I think we share this concern about
20 the integrity of the data absolutely with the big
21 investment we make in this information that we
22 have real confidence around the integrity of data.

23 MEMBER GRAHAM: If I may, I had
24 another question that I really wanted to ask to
25 Rio Algom.

1 In your presentation -- and this
2 may relate back to the monitoring -- you mentioned
3 in the presentation, in the documentation, that
4 the primary issues are control of seepage, need
5 for treatment, stability of dams and the potential
6 radiological exposure to the public, that these
7 issues will be ongoing for many, many years to
8 come.

9 In a monitoring process what role
10 would -- I guess I should put it this way.
11 Budget-wise, would that \$300,000 be needed for the
12 next 50 years? Or what is your feeling of these?
13 Because the need for treatment may diminish but
14 seepage may increase or stability of dams may
15 increase and so on. My concern is exactly how
16 this is going to be monitored and that sufficient
17 funds be there for public safety.

18 MS WIBER: In the design of the
19 monitoring and sampling program of course the
20 frequency of sampling at different points depends
21 on what the purpose of sampling is for that sample
22 point. For the direct discharges from the
23 tailings areas, we have a more frequent
24 monitoring. Also, for the water treatment plants
25 when they are operating, it is daily, weekly

1 sampling, so very frequent sampling.

2 If in that sampling program, which
3 is quite frequent, we detect changes, then it
4 automatically requires additional monitoring and
5 it triggers a more intense look at that data. I
6 think that in the long term the design is
7 basically you have to be responsive to the data.
8 You have to be looking at the data, you have to be
9 responsive to it and make adjustments as needed.

10 I believe that the cost estimate
11 considers sort of some risks as well, so in that
12 \$14 million guarantee we have an assumption that
13 some things will go wrong at some time and so
14 there is money in there I think that can account
15 for that.

16 MEMBER GRAHAM: Another question I
17 have is is the sampling done by staff and then
18 taken to the Elliot Lake research field station
19 for analysis or how is this carried out?

20 MS WIBER: Art will talk about the
21 stewardship of the sampling.

22 MR. COGGAN: Art Coggan, for the
23 record.

24 Yes, Denison Environmental
25 Services, under contract to Rio Algom, does the

1 actual sampling. We do essentially everything
2 except the actual analysis and the entry of the
3 analysis results into the computer. So we
4 schedule the sampling, we collect the samples, we
5 deliver the samples and we analyze the results.

6 What we contract to the field
7 station is the actual analysis and the entry of
8 those results into the data management system.

9 MEMBER GRAHAM: If I may, the work
10 that Denison does, is that included in the
11 \$300,000 cost?

12 MR. COGGAN: No, it is not.

13 MEMBER GRAHAM: The reason I am
14 asking this question, and we really can't get into
15 the economics but I am going to ask it regardless,
16 is that if you had an off-site research facility,
17 whether it be a hundred miles away or thousand
18 miles away, would it be as efficient in getting
19 the results there, getting the turnaround time and
20 getting information back and so on? Is this being
21 addressed?

22 MR. COGGAN: Yes. I guess the
23 main difference would be the delivery time of the
24 sample to the lab. You have to recognize that
25 most of these samples are taken from the watershed

1 and it is not critical to have the results the
2 next day sort of thing.

3 There are a few from the effluent
4 treatment plants that we do need quite quickly.
5 That can be arranged I think either locally or at
6 a reasonable distance for commercial labs within a
7 300-mile radius, for example. There is overnight
8 delivery to any of those types of areas should it
9 be required.

10 MEMBER GRAHAM: Those local labs
11 would be privately-run operations or university-
12 run operations other than the Elliot Lake research
13 field station. Is that what you are saying?

14 MR. COGGAN: Yes. We would go out
15 on a normal tendering process and it would be a
16 commercial lab. I think primarily they are
17 private although, for example, we use the
18 Saskatchewan Research Council to do radiological
19 analyses at times and they are government. I
20 think it is a crown corporation, if I am not
21 mistaken.

22 That is basically what we have to
23 say.

24 THE CHAIRPERSON: Thank you.

25 I just would like to make a

1 statement at this point just to clarify the
2 comments of my colleagues and the views of the
3 Commission.

4 The responsibility of the
5 Commission and its licensing process is safety.
6 Clearly, we are interested in public views towards
7 safety, so that is why this is a public process.
8 That is why we invite intervenors and that is
9 extremely important to us to hear the views of the
10 community, and we will continue to hear that, and
11 the fellow intervenors.

12 However, our responsibility is not
13 the economics. The way that we regulate in Canada
14 is that we expect the licensees to be the primary
15 custodian of safety and to frankly do their job.
16 We monitor and ensure that happens. Although the
17 Commission regularly hears community people,
18 community spokespersons coming before us with
19 regard to economics, I just want to make it clear
20 that the nature of the questioning should not be
21 seen as any responsibility by the Commission for
22 how in this case Rio Algom does their business.

23 We do know that community
24 confidence in facilities that we regulate is a
25 very, very important part of the continuing

1 ability for everyone to do their job successfully.
2 I just wanted to clarify that.

3 Yes, one quick --

4 MR. McCREATH: I have one final
5 comment.

6 The driver of my concern is in
7 some sense economic because that is survival, but
8 I really must try to emphasize that safety is not
9 only a direct technical thing, which it is,
10 perceptions of safety are of course very much part
11 of the process. Perhaps I haven't made my point
12 very clearly.

13 By having this laboratory within
14 and as part of the community, the perception of
15 safety is greatly enhance. My concern is that
16 perception of safety will be gravely damaged if
17 this work leaves, for reasons which are certainly
18 not clear to me as to why they would.

19 Finally, I would just like to add,
20 our relationships to date have been excellent and
21 continue to be with both applicants. This is not
22 a complaint about the applicants. It is a warning
23 that a shortsighted bidding process may result in
24 a very real impact on the community perceptions of
25 safety in the longer term.

1 Thank you, Madam.

2 THE CHAIRPERSON: Thank you very
3 much.

4 We will now move to the next oral
5 presentation by Northwatch. Ms Lloyd is with us
6 today, who will present the organization's
7 submission as outlined in CMD Document 02-H10.3.

8 Ms Lloyd, welcome.

9

10 **02-H10.3**

11 **Oral Presentation by Northwatch**

12 MS LLOYD: Thank you, President
13 Keen.

14 I believe this is our first
15 appearance actually before the Commission,
16 although we had previously appeared before your
17 predecessor organization, the Atomic Energy
18 Control Board, so I will just take a moment,
19 recognizing the pressure to be brief, to introduce
20 Northwatch to you.

21 We are a regional coalition in
22 northeastern Ontario consisting of environmental
23 and social development organizations. We have
24 been around since 1988 and focus on regional
25 issues, issues of a regional nature, primarily

1 mining, forestry and land use related.

2 Our experience specific to the
3 matters before you today include participation as
4 a full-time participant in the federal
5 environmental assessment review process regarding
6 the Quirke and Panel, and Denison tailings
7 management areas and their decommissioning, the
8 Kirkwood panel, as previously referred to by my
9 colleague at the table, and also participation in
10 the decommissioning of the Stanleigh mine and
11 tailings management area, and this current review,
12 in addition to related experience in mining, land
13 use and other nuclear issues.

14 Today I hope to speak very briefly
15 to three key issues and three overarching concerns
16 we have with respect to the proposed licence
17 before you. In terms of the key issues, I am
18 going to speak from our submission of May 28 and
19 speak to the issues we identified in that
20 document.

21 The first was with respect to the
22 acid-generating potential of the tailings and the
23 way that had been assessed and addressed in the
24 environmental assessment documents and now in the
25 subsequent licensing exercise, or rather the

1 concurrent licensing exercise.

2 We are concerned, as we expressed
3 in our previous submissions, about the currency of
4 the work. For example, the Nordic studies were
5 dated 1987. The science of acid mine generation
6 and acid base accounting has developed
7 considerably over the last 20 years but
8 particularly over the last 10 years. We are
9 concerned about the currency of the work as well
10 as the thoroughness/comprehensiveness of the work
11 that has been done.

12 Staff's response to us on that
13 point was that -- because the 1987 study, which we
14 had used quite rightly as an example, they quite
15 rightly responded I suppose to that example that
16 because that 1987 study had been based on a
17 premise that the sulphides would fully oxidize
18 that the study then was currently valid. Perhaps
19 we failed to make our point.

20 Our point was that the level of
21 thoroughness and rigour in earlier studies and
22 from what we could surmise in the work done for
23 this exercise was not adequate and we are not
24 persuaded by staff's response about the wisdom of
25 relying on the limited work that was done. I

1 think Rio Algom's, the company's, submission
2 confirms in at least a few points, our concerns
3 about the acid mine drainage potential from these
4 sites.

5 Although I am somewhat further
6 confused by Rio Algom's statements in their
7 submission of I believe it was April 18 where they
8 state that they have relied in their preparation
9 on the Ontario Ministry of Northern Development
10 Mines mine rehabilitation code, that was a code
11 that came into effect only in 1999, was released
12 only in 1999, and I find in the submissions by
13 both staff and the Commission, by both company and
14 Commission, no evidence of that reliance on the
15 OMDM mine rehabilitation code.

16 That code, as I understand it,
17 sets out protocols which include extensive acid
18 base accounting, extensive sampling of various
19 tailings and waste rock sources and so on. I
20 simply don't see any evidence that those codes
21 were followed or that the rigour that we would
22 wish to see is there.

23 Further, and finally on this
24 point, we see primarily throughout the company's
25 submission but also throughout Commission staff's

1 submission repeated references to the reliance on
2 the science and research from the EARP review, the
3 Kirkwood panel review. But as I recall those
4 discussions, a substantive part of the work that
5 was done and a substantive part of the discussion
6 was with respect to acid mine generating potential
7 and the related mechanisms of metal leaching, so I
8 find it again odd that significant absence of any
9 comprehensive AMD work from this review.

10 Secondly, we had noted a concern
11 with respect to climate change in that we could
12 find no address of that phenomena, although again
13 that was an item of discussion when we were
14 reviewing the other very different sites, Quirke
15 and Panel, and Denison TMAs in the mid-1990s, but
16 we found no evidence of thoughtful consideration
17 of the effects of climate change. Given that some
18 of these sites are relying on water cover and
19 saturation, that seems to us to be a significant
20 absence.

21 Staff response to this concern
22 directed us to look at section 8.8, which we did.
23 We did find that that section did discuss drought
24 again, although not specifically or directly
25 discussing climate change. But even in a drought

1 scenario, there were concerns identified that the
2 Pronto and the Lacnor tailings would both become
3 potentially exposed in drought conditions. We
4 found no discussion of either the Milliken or the
5 Nordic study tailings management areas in that
6 section 8.8.

7 We believe climate change is a key
8 issue and needs to be addressed. We noted that
9 Dr. Barnes raised this in the day one hearing and,
10 again, in response to concerns about climate
11 change the response was to discuss drought.

12 We don't think those discussions
13 are interchangeable. Certainly they are related,
14 but giving consideration to drought conditions
15 under the climate up to year 2002 is not
16 equivalent to considering the longer term impacts
17 and effects of climate change. Again, I want to
18 stress, we consider this to be a significant
19 deficiency.

20 The third point I will speak to
21 you about briefly is our overall concern with
22 respect to the risk posed to the environment. We
23 noted in our February and our May 28 submissions
24 that there is a significant volume of hazardous
25 radionuclides, metals and other potential

1 contaminates at the historic waste sites and we
2 are not confident that the mitigation measures
3 proposed are adequate to the task, particularly in
4 the longer term and particularly given
5 unanticipated events potentially occurring at the
6 sites.

7 Staff has indicated to us that
8 they are confident the mitigating measures will be
9 adequate. We regrettably don't share that
10 confidence. We also wish to note that a large
11 part of our concern is with respect to the sites
12 and the question of whether they are yet stable,
13 whether they will become stable in the future.

14 We note that Rio Algom, in their
15 April 18 submission, state:

16 "The data reviewed for the
17 most recent study indicates a
18 steady improvement in the
19 water quality throughout the
20 Serpent River without
21 declining metals and
22 sulphides." (As read)

23 On the face, we would take that as
24 a positive indication that we are perhaps
25 approaching a steady state and witnessing improved

1 conditions, but then when we look to the tables
2 that immediately follow, we note that copper,
3 nickel, radium 266 and uranium have all increased
4 despite a decrease in the level of sulphates.

5 I appreciate that it is only one
6 example. Regrettably, we don't have the capacity
7 to examine all data and provide you with a more
8 full and conclusive comment on that, but I think
9 it illustrates quite well the cause for our
10 concern.

11 I think our key concerns which
12 have carried with us through the February comment
13 period and the May comment period, and our review
14 of all available Commission Member documents still
15 persist.

16 I will just close with identifying
17 our three overarching concerns.

18 The first is with respect to the
19 environmental assessment and the licensing
20 interface. This is a matter which troubles us
21 greatly as outlined in our submission to staff of
22 February 15, and to the Commission of May 28.

23 Our view is that the environmental
24 assessment process should have been completed, the
25 Commission come to a decision and release that

1 decision with reasons for its decision before
2 proceeding to the licensing exercise.

3 We note that staff has noted that
4 doing otherwise, as you are doing, conducting this
5 dual process, this dual process does not prejudice
6 the outcome but we are not convinced of that. We
7 would really encourage you in fact to defer your
8 licensing decision until the EA process is
9 completed, which in our view it is not.

10 Our second overarching concern is
11 with respect to the diminishing public role. You
12 have received a number of excellent submissions
13 and Northwatch wishes to adopt the comments
14 provided to you by the City of Elliot Lake, the
15 Standing Environmental Committee, the United
16 Steelworkers of America and the Elliot Lake Field
17 Research Station, particularly with respect to
18 their concerns about the review process, the
19 accessibility of information, the availability of
20 technical support and the independence of the
21 review process or the need for an independent peer
22 review process available to the public and, I
23 would suggest, driven by the public interest.

24 Further, I wish to encourage you
25 to further develop the public role in the

1 Commission's review and in licensing exercises and
2 subsequent renewals.

3 I note that the staff comments in
4 CMD H10.A that it is:

5 "...appropriate for the
6 Commission to review
7 performance." (As read)

8 I fully agree with that. It is
9 more than appropriate for the Commission to review
10 the performance of these sites, it is absolutely
11 essentially, but it is equally appropriate and I
12 would say essential that the public be engaged in
13 that performance review, and I would encourage the
14 Commission to look for ways and means to engage
15 with the public in that performance review.

16 I would just like to add our
17 support for the staff proposal to increase a
18 Canadian Nuclear Safety Commission presence in the
19 community of Elliot Lake. I think the proposal of
20 open houses and direct interaction, beginning with
21 the session they are proposing for September is an
22 excellent start to that and one that should be
23 built on.

24 Our third overarching concern is
25 with respect to licensing and the licence before

1 that you have heard in the written submissions and
2 I expect you will hear from the video submissions
3 from Elliot Lake and from my fellow intervenor
4 today, a public role, public involvement is
5 absolutely necessary. An indefinite licence does
6 nothing for that public engagement, public
7 confidence. In fact, it really means that today
8 is the end of the road in terms of the public's
9 ability to affect the Commission's governance or
10 regulation of these very significant sites.

11 Thank you very much for your time
12 today.

13 THE CHAIRPERSON: Thank you.

14 The floor is now open for
15 questions.

16 Dr. Giroux.

17 MEMBER GIROUX: I think I will
18 first ask staff to react on the three points which
19 have been raised concerning the EA and the lack of
20 satisfaction which has been expressed. You have
21 heard them. Could you react to that and say what
22 is your view concerning the remarks heard?

23 MR. McCABE: Yes. I will ask Dr.
24 Thompson to respond to the performance or the
25 impact of the environmental assessment and Dr.

1 Flavelle to speak on the acid generation.

2 DR. THOMPSON: Good morning. For
3 the record, my name is Patsy Thompson. I am
4 Director of the Environmental Protection and Audit
5 Division of CNSC.

6 During the staff technical review
7 of the environmental assessment we have
8 essentially considered all the available
9 information from the sites. These sites have been
10 in operation for quite some time. We had the good
11 fortune in this case to have in parallel an
12 environmental assessment done on predictions of
13 performance, as well as environmental monitoring
14 data that essentially supported the conclusions of
15 the predictions done from a more theoretical
16 calculation point of view.

17 We are confident that the risks
18 have been properly assessed. There is a follow-up
19 program in place to ensure that there is
20 additional validation of the assessment.

21 In terms of the specific issues
22 related to the volumes of metals and radionuclides
23 contained in the tailings, essentially the tailing
24 management areas and the effluent treatment plant
25 have been designed to retain the material in

1 place. The releases to the environment are
2 essentially controlled. It is those releases from
3 those controlled facilities that pose the risk to
4 the environment from an ongoing operational point
5 of view.

6 There are contingencies in place
7 in case of a change in performance due to various
8 natural hazards. There has been consideration of
9 drought, a decrease in water cover and these have
10 been included or looked at in the environmental
11 assessment. Perhaps Dr. Flavelle could address
12 the acid generation potential issue.

13 DR. FLAVELLE: Thank you, Dr.
14 Thompson. For the record, my name is Peter
15 Flavelle. I am Senior Specialist with the Waste
16 and Geoscience Division.

17 In the matter of acid generation
18 and acid base accounting, acid base accounting is
19 a technique of accounting for the net acid
20 generating potential of a material. It balances
21 the potential acid generation from the sulphides
22 in the tailings with the potential neutralizing
23 capacity of other minerals in the tailings.

24 The work which has been done in
25 support of this and earlier environmental

1 assessments has been based on using the total
2 sulphide content of the exposed tailings, that is
3 the unsaturated tailings where they are not
4 immersed in water, ignoring the neutralizing
5 capacity of the tailings. So the predictions are
6 for a gross acid production.

7 In spite of developments in recent
8 years in measurement techniques and interpretation
9 techniques for acid base accounting, reviewing and
10 redoing work which was done two decades ago to
11 apply a balance to it, we would not expect to
12 increase the amount of acid produced, since the
13 predictions were based on a gross production
14 rather than a net.

15 MEMBER GIROUX: My other question
16 is for the lady from Northwatch. You mentioned in
17 your final recommendations that any amendments
18 should be part of -- well, you write the
19 relicensing exercise and you said verbally the
20 regulatory process. We are in the habit here at
21 the Commission that having amendments to the
22 licence done between licensing periods by
23 designated officers. Are you challenging that and
24 saying that this should not be done in this case?
25 Is that your intent?

1 MS LLOYD: My intent is to say
2 that changes particularly to the monitoring
3 program and to the proposed mitigation strategies
4 should be a matter that come before the Commission
5 in the context of a licence renewal exercise
6 because that is the way that (a) the public has
7 some ability to speak to those matters in front of
8 the Commission for your consideration; and, (b)
9 the manner in which we can receive consistent
10 notice of those proposed changes. That's my
11 reasoning.

12 MEMBER GIROUX: The other point is
13 that we have heard Ms Wiber give indications of
14 the willingness of Rio Algom to have annual
15 reports and have different ways of communicating
16 information to the public. Does that answer at
17 least a good part of the needs that you expressed
18 for information?

19 MS LLOYD: I would encourage Rio
20 Algom to continue to make information available.
21 I would also encourage Rio Algom to provide that
22 information and notices consistently to those who
23 have an identified interest in the area in those
24 sites, including Northwatch, which I believe they
25 generally do, but do not consistently do. For

1 example, we frequently do not receive notice of
2 local events which I hear of through our members
3 and colleagues in the area. But I would encourage
4 Rio Algom to take a look at that part of their
5 communications systems.

6 So I view that program, those
7 efforts on the part of Rio Algom to date quite
8 positively, although certainly there may be some
9 areas where there could be improvement.

10 I am concerned with the move to
11 Houston, as I believe other local and regional
12 residents are, about how that is going to affect
13 the program in the future.

14 We have a view that a role with
15 the regulatee is not the same as a relationship
16 with the regulator. So we wish to see these
17 matters come before the Commission on a regular
18 basis, so that there is that transparency about
19 the exercise. So again so we have some ability to
20 provide our input to you.

21 MEMBER GIROUX: Thank you.

22 A final question to staff now.
23 Your proposal or your recommendation is for a
24 licence of indefinite duration with five year
25 reporting periods after have things started. In

1 your view, in the five-year reporting would there
2 be an opportunity for the public to make
3 presentations to the Commission? Would that be an
4 open presentation and with public intervenors
5 invited to make comments?

6 MS MALONEY: It is Cait Maloney
7 here.

8 Our intention would be to report
9 to the Commission at a meeting rather than a
10 hearing because it would be a simple reporting.
11 It would certainly be appropriate that the public
12 be invited to participate as it does in any of our
13 meeting processes. How the process evolves over
14 time may dictate whether there would be active
15 intervention by the public at that time.

16 THE CHAIRPERSON: Mr. Graham

17 MEMBER GRAHAM: I have two
18 questions. The first one, though, is a follow-up
19 to what Dr. Giroux's line of questioning was to
20 Northwatch. Would the applicant care to comment
21 on Northwatch's concerns and how they see a better
22 communication or line of communication?

23 MS WIBER: Yes, I agree with
24 Brennain's observation that we are not always
25 consistent. I think it is something that we do

1 need to improve.

2 We are in a way going through a
3 period of renewal for how we manage Elliot Lake
4 and, in fact, all of our closed sites. We have
5 some company practices that guide us in making
6 decisions on how we interface with interested
7 parties.

8 As Brennain pointed out there are
9 certain members of the public or groups that have
10 a specific interest. They do have a very specific
11 purpose in their interventions. I think we
12 actually benefit from that. So I think our
13 intention is to be more consistent, more rigorous
14 on how we identify the way that we are
15 communicating the information available and so on.

16 MEMBER GRAHAM: Thank you.

17 The other question I have is to
18 staff. In your response from Northwatch's
19 concerns you responded with regard to acid
20 generation and you also responded with regard to
21 risk. I did not really hear any comment with
22 regard to climate change. Maybe I missed that. I
23 wonder if you would like to comment on that?

24 MR. McCABE: Thank you. Rick
25 McCabe again.

1 The potential environmental
2 implications of extreme environmental events,
3 including floods and droughts, were addressed in
4 the EA and determined to be minor and mitigable.

5 The focus of the assessment was on
6 the long-term integrity and performance of the
7 tailings management areas. The assessment period
8 was a thousand years.

9 While separate consideration of
10 climate change and potential effects on the
11 project were not an explicit part of the EA, the
12 scenarios considered in the analysis include
13 environmental conditions and effects on the
14 project that could be associated with climate
15 change.

16 Mitigation measures are proposed
17 to enable the monitoring and detection of such
18 potential effects and the implementation of
19 appropriate response.

20 MEMBER GRAHAM: Has there been any
21 significant change in the trend of climate change
22 since that documentation was done? Has there been
23 any notable climate change in this region of
24 Canada?

25 MR. McCABE: I will ask Dr.

1 Thompson to respond to that.

2 DR. THOMPSON: Excuse me, for the
3 record, Patsy Thompson.

4 The environmental assessment, as
5 Mr. McCabe just indicated, made essentially long-
6 term predictions over a thousand years, based on
7 knowledge of potential changes in climate.

8 The issues that were considered,
9 although there is no heading in the environmental
10 assessment called "climate change", essentially
11 floods and drought, the two main components of
12 climate change that can affect the integrity of
13 the tailings management areas and their
14 performance were considered with predictions over
15 a thousand years.

16 The work that is currently being
17 conducted around the world on predictions of long
18 term climate change has not progressed to a point
19 where what has been included in the environmental
20 assessment has been invalidated.

21 In the course of staff review of
22 environmental performance we do review on an
23 ongoing basis the performance of the sites. We
24 would be able to require that the licensee take
25 action if we see a degradation in performance over

1 the course of the licence period.

2 MEMBER GRAHAM: So in other words
3 this could be, not could be, but would be
4 addressed if there was a significant change on the
5 five-year review?

6 DR. THOMPSON: The review that
7 staff does is more frequent than on a five-year
8 period. There are regular inspections and we do
9 get annual reports which we review on an ongoing
10 basis. So our review is not limited to a five-
11 year period, although there are some components of
12 the monitoring program that we do get on a five-
13 year period, but there is more routine monitoring
14 that is reported to us more frequently.

15 THE CHAIRPERSON: Just three
16 points I would like to question. Ms Lloyd, you
17 made this comment about an independent review and
18 an independent peer review and used the words.
19 Could I ask for your clarification of what that
20 would mean to you? What does an independent peer
21 review, et cetera, mean?

22 MS LLOYD: Certainly. Thank you.
23 Brennain Lloyd.

24 What we mean by that is a peer
25 review -- the difficulty we have is that we have,

1 and this was expressed very well in the submission
2 by the City of Elliot Lake, we have a large number
3 of technical documents, a large volume of data is
4 available to intervenors such as Northwatch, but
5 also the City of Elliot Lake, the standing
6 environment committee and so on. We have a
7 limited ability to review those materials. In
8 our case we were able to rely on a limited but an
9 independent review done by Paul Robinson for
10 Mining Watch Canada. That was prepared in advance
11 of the February deadline for comment. That
12 provided us with some comfort and confidence in
13 our own reading of the materials.

14 However, we did not receive a
15 response. We have not seen a response from staff
16 to those professional opinions expressed by Mr.
17 Robinson. But that is an example, albeit a
18 limited one, of an independent review. I do not
19 have all the answers to it because the biggest,
20 simplest answer is one of money.

21 I think that in part these
22 difficulties of technical limitations experienced
23 by public intervenors, both municipalities, first
24 nations and non-governmental organizations, can be
25 addressed perhaps by improved working

1 relationships between CNSC and those entities,
2 perhaps by having the review process in a more
3 sequential manner.

4 For us it was a great difficulty
5 that we were reviewing both the EA document and
6 then the licensing documents at the same time.
7 And perhaps there is a bigger solution somewhere
8 outside of either these entities or the CNSC that
9 we have to look to to find an ongoing response to
10 these problems and challenges of limited capacity,
11 particularly in technical areas, but that was the
12 nature of my comment and echoing those comments
13 made by other intervenors in their written
14 submissions.

15 THE CHAIRPERSON: Perhaps just a
16 follow-up question then to clarify. So when you
17 are talking about peer review you are talking
18 about engaging an expert in this area to provide
19 advice to say, in your case, to Northwatch that
20 would be independent, meaning it would be someone
21 who works for you to provide an analysis of the
22 documents and give you the advice from that point
23 of view.

24 10:15 a.m.

25 I say that because quite often the

1 word "peer" is used to look at, for example,
2 bringing of peers of Rio Algom to look at Rio
3 Algom's facilities, and I don't gather that is
4 what you are talking about at all here.

5 MS LLOYD: No, I am not meaning
6 here in the corporate sense. I am meaning a peer
7 review in the sense of others with technical
8 expertise equivalent to, for example, the
9 expertise that may have been retained by the
10 company to conduct that peer review. That is what
11 I mean by a peer review.

12 THE CHAIRPERSON: I just wanted to
13 clarify that for the record.

14 MS LLOYD: Thank you. Excellent
15 clarification.

16 THE CHAIRPERSON: In terms of the
17 Commission views the Commission staff as being
18 independent, meaning paid by the people of Canada,
19 to provide public interest and Canadians' views,
20 you made some comments about co-operation with the
21 staff or whatever.

22 I think the Commission would like
23 to know if you have any concerns with regard to
24 the independence that the Commission staff brings
25 to the review of any licensees.

1 MS LLOYD: I have no specific
2 concerns, complaints, et cetera, against any
3 Commission staff member. I want to be very clear
4 about that.

5 THE CHAIRPERSON: The word
6 "independence", as you said, you clarified that
7 earlier.

8 With regard to, I suppose, some
9 very -- if I could summarize, and please tell me
10 if I am incorrect here, your submission talks
11 about concerns with regard to the environmental
12 integrity of -- and perhaps integrity is the wrong
13 word -- the environmental state of the facilities
14 that we are talking about today, some issues that
15 you have with regard to the knowledge of, say, the
16 acid mine drainage issues, et cetera, and then
17 there is a set of issues toward public
18 transparency of that and other types of
19 information.

20 If I can go back to your questions
21 about the site itself and the environmental
22 status, other than doing more studies, which I
23 think in the environmental area it is a growing
24 science, it is a developing area of science, and I
25 believe you acknowledged that this site should be

1 licensed, which --

2 MS LLOYD: Correct.

3 THE CHAIRPERSON: -- it hasn't
4 been licensed before, and the need for ongoing
5 work on various types of issues, is there anything
6 you would like to add in terms of specificity of
7 the type of studies or information that would be
8 necessary on this particular site, rather than
9 some general what is not available but what could
10 specifically be done that could alleviate the
11 issues that you have raised of a technical matter.

12 MS LLOYD: I will go back to an
13 example that I have already raised, which is with
14 respect to climate change.

15 I would like to see some long-term
16 scenarios. What are the mitigating measures?
17 What are those responses? I have seen some
18 general responses basically stating that there
19 will be a response, mitigation efforts will be
20 undertaken, something to the effect, in response
21 to drought conditions. What are they?

22 As I understand, drought and flood
23 are short-term, unexpected incidents. Climate
24 change is a very different scenario. I think it
25 is a fundamental question when you are looking at

1 a number of sites where there is a prevalent
2 reliance on water cover and wherein a period of
3 slow but almost certain climate change which is
4 going to reduce the level of precipitation, reduce
5 the water table, drop the water table and so on.
6 What is that going to look like in 25, 50 years,
7 75 years? Here is where our concern comes in with
8 the licensing exercise.

9 Perhaps it is true, perhaps there
10 will be some mechanism through the Commission
11 hearings, through some other process, to have this
12 come back for public review, but we don't know
13 what those are. Maybe it is just in my nature
14 that I continue to be the optimist, I continue to
15 think that as the public and as local governments
16 will have greater capacity in two years or five
17 years than we have now and perhaps we will be able
18 to better engage you on those issues in two years
19 or five years. But there are some areas where I
20 just think more work needs to be done.

21 On another related point, I think
22 maybe it is a matter of presentation, maybe it is
23 a matter of language. I will try and do justice
24 to this and see if I can capture the language from
25 memory that staff uses. I think staff makes the

1 statement to the effect of there is -- I believe
2 the statement is, "There is no significant harm",
3 and we don't disagree with the licence being
4 granted at some point and we don't disagree that
5 the system in place right now is better than no
6 system at all. We don't disagree with that at
7 all. But in our view there is a great potential
8 for environmental harm and we are not sure that we
9 have a level of agreement with staff on that
10 because we don't hear staff saying that. We hear
11 staff saying "No significant environmental effects
12 from issuing this licence". That doesn't say to
13 us that there is an acknowledgement of the
14 incredibly significant potential for environmental
15 harm in the case of system failure at any number
16 of points along the way and also the potential for
17 chronic sublethal harm coming from these tailings
18 management areas, which we simply don't have the
19 capacity to speak to in a compelling enough manner
20 at this point. Our failure to speak to them in a
21 compelling enough manner does not mean that those
22 issues are not still present.

23 THE CHAIRPERSON: I have a
24 question for the licensee.

25 Ms Lloyd mentioned the issue of

1 the Ontario ministry code of practices and I would
2 like you to clarify if you could the timing
3 issues. But my broader question is with regard to
4 the interaction between Rio Algom on these
5 specific sites and the Ontario Ministry of
6 Northern Development and Mines. Is there an
7 ongoing involvement of them at all in terms of
8 that facility?

9 MS WIBER: If you permit me, Madam
10 Commissioner, I would like to confer with my
11 colleagues on the code issue in particular.

12 --- Pause

13 MS WIBER: My clarification with
14 my colleagues related to the timing issue. I do
15 believe that MNDM, or the Ministry of Northern
16 Development and Mines, first drafted the guideline
17 or code. I am probably on thin ice but in early
18 1990s they had a mine reclamation guideline that
19 they published at that time and then the
20 codification really of those guidelines and then
21 the addition of the methodologies for acid mine
22 drainage valuations.

23 The reference, I think, might in
24 fact not be correct, literally correct, but I
25 think the idea was that when we do planning for

1 setting criteria for design or for operation
2 maintenance and care, we examine all of the
3 relevant material. The MNDM guideline that
4 existed at the time would have been used in our
5 planning for the sites so it could be that the use
6 of the term "code" was incorrect. But we would
7 always refresh those documents when we look at
8 updating our plans.

9 On specifically the acid drainage,
10 as Dr. Flavelle pointed out, we did take a very
11 conservative approach. It doesn't mean that
12 scientific examination isn't something that ought
13 to be done. We always look for opportunities to
14 learn more. Because this is a critical issue of
15 risk for the company, we are always interested in
16 looking at the question. Elliot Lake is a great
17 spot to do those kind of examinations, and it
18 would be our intention to continue.

19 The second question...? Forgive
20 me, Madam Commissioner.

21 THE CHAIRPERSON: It was just with
22 regard to ongoing relationships with the
23 provincial ministry and do they have any
24 responsibilities with regard to the site?

25 MS WIBER: As the land stewards

1 THE CHAIRPERSON: Dr. Giroux....?

2 MEMBER GIROUX: Just a brief
3 question to staff.

4 Assuming the Commission were to
5 have hesitations about the indefinite duration of
6 the licence, would an appropriate alternative be
7 three and a half years?

8 MS MALONEY: Cait Maloney.
9 That certainly would be an
10 appropriate checkpoint, yes.

11 THE CHAIRPERSON: Thank you very
12 much, Ms Lloyd, for your submission and your
13 presentation today.

14 MS LLOYD: Thank you.

15 THE CHAIRPERSON: I would like to
16 move, then, to the oral presentation by United
17 Steelworkers of America, as noted in CMD Document
18 02-H10.4.

19 I believe that the Assistant to
20 the International Secretary-Treasurer is with us
21 today and has come quite a way to join us today,
22 so thank you very much for that. I will turn it
23 over then to Mr. Perquin.

24

25 **02-H10.4**

1 **Oral presentation by United Steelworkers of**
2 **America**

3 MR. PERQUIN: Thank you very much
4 and, yes, indeed, for the record, my name is John
5 Perquin and I am the Assistant to the Secretary-
6 Treasurer of the International Union.

7 I have a somewhat personal stake
8 in this, being a former employee of Rio Algom and
9 a former resident of Elliot Lake, and do count as
10 among my friends a number of people who still live
11 there in Elliot Lake.

12 From an international union
13 perspective, we represent approximately 800,000
14 active members and retirees across North America.
15 We are the largest union representing Canadian
16 mining employees. As a labour body we represented
17 over the years many employees who worked at both
18 Rio and Denison, some of whom still reside in the
19 Elliot Lake area, either as retirees or currently
20 still employed in the mining industry but commute
21 on a regular basis. Indeed some of those members
22 are in Elliot Lake today listening in on these
23 presentations in this hearing.

24 For that, we wish to thank the
25 Commission for taking the innovative step of

1 introducing the video technology as an attempt to
2 include those people in Elliot Lake. It is not
3 exactly what we had hoped for and asked for. We
4 were one of the intervenors who had asked that you
5 convene a hearing in Elliot Lake in particular.
6 We would have liked that. But we appreciate the
7 effort nevertheless that you have gone to. As you
8 move forward into exploring new technologies, we
9 applaud you for that.

10 Our union has had a long history
11 of environmental activism and advocacy on behalf
12 of our members, including our members who reside
13 in Elliot Lake. We proudly continue that activism
14 today in the pursuit of a clean environment.
15 That is why we are here today.

16 As everyone concerned is aware,
17 the tailings management areas controlled by the
18 two uranium mining companies, Rio and Denison, are
19 exceptionally large. We heard today they are many
20 hectares in size. They contain well over 100
21 million tonnes of low-level radioactive wastes and
22 other environmental contaminants. These wastes
23 and contaminants can't be removed or displaced
24 to any other areas. They are going to be in
25 Elliot Lake and that region for ever and ever and

1 a day.

2 These tailings, particularly
3 historic sites in question, are relatively old.
4 They have been deposited into the local
5 environment over many decades and were done so
6 according to the prevailing understanding and
7 practices of their time and without the benefit of
8 the environmental understanding and engineering
9 practices that are now applied today as we know
10 them.

11 All of this is not to say that
12 Elliot Lake tailings cannot be securely contained
13 and safely managed. Indeed, we believe they can
14 be and that, indeed they should be. In fact, they
15 must be.

16 However, because of the great
17 quantity and extent of these tailings and the
18 original method of their disposal, they require a
19 very systematic and sustained vigilance for an
20 indefinite period of time on the part of all
21 concerned in order to provide the assurance that
22 the good health of the present and the future
23 residents of the region is not affected by any
24 breakdown in the environmental security measures
25 that are put in place.

1 If I can just step aside for a
2 minute. Speaking to the great quantity and the
3 extent of the sites, as Mr. Coggan had indicated,
4 they are so extensive in nature that they aren't
5 really totally protected. I can personally attest
6 to the fact that despite their efforts it is easy
7 to get to the tailings. The actual tailings, not
8 just the land surrounding them. One can actually
9 get to the tailings. I have been there myself.
10 By vehicle. Not just walking.

11 With respect to the indefinite
12 future, we need to and we very much concur with
13 the presentation that was made by Northwatch that
14 while the tailings may be there for an indefinite
15 time, the licence should not be of an indefinite
16 duration.

17 Moving on. While the request for
18 public comment in matters such as this is
19 admirable in theory, in practice it is rarely easy
20 for members of the public to respond in a way that
21 is truly meaningful and satisfactory. The
22 documentation that is to be reviewed is
23 voluminous, it is complicated, it is highly
24 technical in nature and to lay people like
25 ourselves, it is often very confusing. It can be

1 difficult for people to know all of the questions
2 to ask. As a consequence, we would miss -- almost
3 certainly, we would miss certain issues.

4 In the end, people often sense
5 that their concerns have not been fully expressed
6 in the regulatory process of public consultation
7 or when all is said and done, adequately
8 addressed. There is often dissatisfaction at the
9 result and public reassurance is lacking. This
10 kind of result is not what is intended at the
11 outcome of the public consultation process and can
12 be unfortunate equally for the regulator, for the
13 public and for the applicant.

14 It is our understanding that the
15 Commission has already received letters of concern
16 with respect to this process. Indeed we ourselves
17 wrote a letter In addition, the Corporation of the
18 City of Elliot Lake and the Township of North
19 Shore did. A further letter sent to the
20 Commission from the Standing Environmental
21 Committee of the Serpent River Watershed discusses
22 at some length, among other issues, the question
23 of an independent review by an external reviewer
24 and the possibility of a peer review. You have
25 already explored some of those issues with Ms

1 Lloyd from Northwatch. I too have some similar
2 opinions with respect to what independent means
3 and peer review and what have you. All seem to
4 point to a common theme: The public needs a level
5 of reassurance that is not currently present in
6 the consultation process.

7 We ourselves, as an international
8 union, although not infinitely wealthy with funds,
9 did seek to try and find just that independent
10 review. The obstacles that we ran into were, one,
11 the significant cost that it would take to examine
12 all of the records and, two, the fact that many of
13 the consultants that we did try to approach
14 declared a conflict of interest because they had
15 already dealt with the mining companies at some
16 point in time. It becomes very difficult to, one,
17 seek out an independent review and, secondly, to
18 afford to pay for it.

19 The level of reassurance that the
20 public needs can only come through the involvement
21 of an independent review of the entire process.
22 As such, as we have stated, we are fully
23 supportive of the efforts of the Corporation of
24 the City of Elliot Lake and the Township of the
25 North Shore, the SEC and Northwatch in their bid

1 to secure assistance and extension of the approval
2 period.

3 It is our respectfully made
4 submission that the CNSC listen to those concerns
5 being raised by the people living in the Serpent
6 River Watershed and in the surrounding
7 communities. You don't just have to live in the
8 watershed, people enjoy the watershed as well and
9 they come from miles away to enjoy recreational
10 opportunities in the area. It is their health and
11 that of their region that will feel the impact of
12 your ultimate decision for many years to come, far
13 beyond our lifetimes and those of generations to
14 come beyond us. Those concerns can be met by
15 exercising the authority that is vested within the
16 Commission to be flexible.

17 While it is important that a
18 licence ultimately be issued with respect to the
19 operation of the waste facilities, it should not
20 be issued until everyone concerned who lives in
21 the area and enjoys the recreational opportunities
22 of the area has had an opportunity to fully and
23 meaningfully participate in this process. We urge
24 you, as the members of the Commission, to provide
25 that opportunity. Make it possible for the people

1 living in the area to engage an independent
2 reviewer to help them in their review of this
3 application. If you yourselves do not provide the
4 funding, I believe you have the means and the
5 wherewithal to find and to assist in the pursuit
6 of that funding.

7 You can make it possible to extend
8 the time.

9 Such a decision would not be out
10 of line with the process that was previously
11 followed in the decommissioning of the uranium
12 mine tailings in the Bancroft-Paudash Lake area.
13 In that process, for example, Dr. Rene Levesque,
14 who was then president of the AECB, highly praised
15 the work of the Canadian Institute for Radiation
16 Safety. In that matter, CAIRS was instrumental in
17 assisting the community residents in coming to a
18 better understanding of the decommissioning plans
19 and in the process made helpful recommendations
20 that improved the overall plan as it was finally
21 approved.

22 With that, noting the comments
23 that I made in support of the issues raised by
24 Northwatch with respect to the term of the licence
25 with respect to the independent review and the

1 peer review, I would conclude my submissions.

2 Thank you.

3 THE CHAIRPERSON: Thank you very
4 much for your submission and your comments today.

5 The floor is now open for
6 questions from the Commission Members.

7 Mr. Graham?

8 MEMBER GRAHAM: I just have one
9 question, that would be to the United
10 Steelworkers, this morning.

11 We have had a further presentation
12 from the applicant in which they have really laid
13 out I guess a more transparent way of
14 communicating with the public. We have also been
15 part of listening to the discussions with regard
16 to Northwatch and so on.

17 Are you satisfied, I guess would
18 be the question, that this is a move in the right
19 direction and that this probably is better than
20 what you had when you wrote your submission?

21 MR. PERQUIN: I would have to
22 agree that yes it is a move in the right
23 direction. It is better than what was presented
24 initially.

25 But one has to also remember that

1 we are not just talking about the next 10 or 15 or
2 20 years. We are talking for time far beyond
3 that. How comfortable are we with the assurances
4 that are made today that those same assurances,
5 that those same people, that in fact Rio Algom,
6 will still be around? Will there be some
7 successor to that company? Will they have the
8 same attitudes or will this ultimately be left to
9 the governments, the regulators? Will it become
10 their burden to manage and control and oversee the
11 management of these tailings facilities and work
12 with the public?

13 Much more needs to be done. Much
14 more needs to be communicated and the public needs
15 a far more involved role in this whole process.
16 Unfortunately, the way the process is designed at
17 the moment, the public's ability to be involved is
18 very limited.

19 MEMBER GRAHAM: You talked about
20 an independent reviewer. I followed your comments
21 on that. Would an independent reviewer ensure
22 that years out, 10, 15, 20, 25 years out, that the
23 same type of involvement by the company would be
24 in place?

25 MR. PERQUIN: If the Commission

1 were to move toward a licence of a fixed duration
2 which would then allow for a review at the time
3 when the application would come for renewal of the
4 licence, there is then a new opportunity for the
5 public to be engaged, as was very eloquently put
6 forward by Ms Lloyd. At that time again the
7 public would have an opportunity, it would be
8 expected, to seek and consult with an independent
9 reviewer, one whom the public is comfortable with.

10 Frankly, as responsible as the
11 corporation is, they have a stake in the whole
12 matter. Although the CNSC staff is put forward as
13 being independent, frankly they have a stake in
14 the matter as well. The public needs to be able
15 to consult with someone or some party or some
16 organization that doesn't have a stake per se, one
17 that they can trust. If we move to a time frame
18 where there is a requirement to renew the licence,
19 that allows the public to continue to be engaged
20 on an ongoing basis.

21 MEMBER GRAHAM: If I may, I am
22 just a little concerned when you say "that the
23 public can trust". As an independent Commissioner
24 and Commission and CNSC, are you saying that the
25 public do not have that same trust that an

1 independent reviewer would have with the CNSC?

2 MR. PERQUIN: This is not meant to
3 be an attack at any one individual or the CNSC in
4 particular. It is a general comment. The public
5 in general does not have a huge level of trust in
6 the government or government-run agencies. They
7 are there, yes the taxpayers fund them, but all
8 you have to do is read the newspaper, all you have
9 to do is talk to people off the record and what
10 have you.

11 When we talk about an independent
12 reviewer, it is not meant as an attack on the CNSC
13 or the Commission Members themselves.

14 THE CHAIRPERSON: However, I think
15 you have made a statement that is a very serious
16 statement with regard to the -- I am not sure of
17 the wording that you used but with the stake that
18 the staff have in this process. I do think it is
19 incumbent upon you to clarify for the record what
20 you think is the staff's stake in this process and
21 the implications that you made thereof.

22 MR. PERQUIN: When I say the staff
23 has a stake in the process, the staff has a stake
24 in upholding the regulations as they are written
25 and as they are interpreted by the CNSC and the

1 staff, some of whom may have been directly
2 involved in the writing of that legislation or in
3 the upholding of that legislation. It is in that
4 context that I say they have a stake.

5 THE CHAIRPERSON: Dr. Giroux.

6 MEMBER GIROUX: It is not very
7 convincing. I have two brief questions for you
8 asking about numbers.

9 The first one is how many members
10 do you have in the Elliot Lake area at the present
11 time?

12 MR. PERQUIN: Not specifically in
13 the Elliot Lake area, but we have members from
14 Sudbury to Sault Ste. Marie who either live in the
15 proximity or enjoy recreational opportunities in
16 the proximity or within the watershed area, and
17 they would number in the thousands.

18 In the Sudbury area we have close
19 to 5,000 members; in Sault Ste. Marie we have a
20 couple of thousand members; in Elliot Lake we have
21 what is called the Steelworkers Organization of
22 Active Retirees, who, in the Elliot Lake area who
23 reside there, number in the couple of hundred.

24 MEMBER GIROUX: How many would
25 have expressed concerns about what is happening

1 with the tailings management? You do state that
2 members have expressed concerns.

3 MR. PERQUIN: Yes. I don't have a
4 specific number because I don't have personal
5 contact with all of them. I have personal contact
6 probably with half a dozen to a dozen who have
7 expressed concerns and who, by extension, talk to
8 others and communicate with others.

9 THE CHAIRPERSON: Thank you very
10 much. I would just like to take a 10 minute break
11 and then we will commence again with the
12 presentation from the City of Elliot Lake.

13 Ten minutes, please. Thank you.

14 --- Upon recessing at 10:47 a.m.

15 --- Upon resuming at 11:00 a.m.

16 THE CHAIRPERSON: We will now move
17 to the oral presentation by the City of Elliot
18 Lake. I invite Mr. Daniel Gagnon to present CMD
19 document 02-H10.5B. Mr. Gagnon.

20

21 **02-H10.5A**

22 **Oral Presentation by the City of Elliot Lake**

23 MR. GAGNON: Thank you, Madam
24 President and members of the Commission. It is a
25 pleasure to appear before you today on behalf of

1 city council and by extension the residents of the
2 City of Elliot Lake. My name is, as you said,
3 Daniel Gagnon or Dan, whatever you like. I am
4 the Executive Assistant to the Chief
5 Administrative Officer and Special Projects
6 Manager for the City of Elliot Lake.

7 Fortunately, since September 2001,
8 I have also been acting as the administrative
9 resource to the Standing Environmental Committee
10 of the Serpent River Watershed. In that capacity
11 I have been included in a number of meetings with
12 the proponent, Rio Algom, their contractor Denison
13 Environmental Services, CNSC staff and the Joint
14 Review Group. I have been struggling first hand
15 with the flood of documents and technical data
16 produced as a result of this licensing process and
17 the ongoing reporting requirements of all the
18 other licensed areas. I have been on two separate
19 visits to the tailings management areas, the most
20 recent with the Joint Review Group and CNSC staff
21 in late May, as part of their yearly inspections
22 of the previously licensed properties.

23 I would like to say at the outset
24 that the City of Elliot Lake has received
25 outstanding co-operation from Rio Algom, Denison

1 Environmental Services and CNSC staff with all
2 requests for information and to field specific
3 concerns from the public. Mr. Art Coggan, Rio
4 Algom's Manager of Environment and Reclamation in
5 Elliot Lake and Mr. Robert Barker, CNSC Project
6 Officer for Elliot Lake, deserve specific mention.
7 I have no doubt that this spirit of co-operation
8 will continue in the future and I look forward the
9 CNSC staff's planned workshops and public meeting
10 in Elliot Lake in September of this year.

11 That being said, I will attempt to
12 flesh out some concerns that the city feels should
13 be reviewed carefully by the Commission in the
14 best interests of Elliot Lake residents and
15 taxpayers.

16 I understand we are here today to
17 discuss the proponent's licence application, but I
18 trust the Commission will forgive me if I make a
19 brief observation regarding the process at hand.
20 The CNSC licensing process, as it stands, puts the
21 City of Elliot Lake and the general public in a
22 difficult and uncomfortable position. The licence
23 application is based on reams of highly technical
24 documents, drafted by scientists and engineers,
25 and there are no methods established for the lay

1 person to understand the intricacies and science
2 behind the decisions being taken at the CNSC.
3 There have been no plain language summaries
4 drafted to date by either the CNSC or the
5 proponents. There is no funding available to
6 accommodate an independent review of the
7 assumptions and plans laid out in the application.
8 The hearings are held in Ottawa, despite a number
9 of requests to allow the residents impacted to
10 appear before the Commission in person. What is
11 the point of a public consultation process if the
12 public is precluded from active participation by
13 the technical nature of the licence process
14 itself?

15 The City of Elliot Lake recognized
16 this issue early in the process, but obtaining
17 scientific independent analysis of even a portion
18 of the documents is cost prohibitive and resource
19 draining and begs the question of why should
20 taxpayers of Elliot Lake be burdened with
21 obtaining advice to participate in a licence
22 process that they are already paying for through
23 their federal taxes?

24 This process effectively forces
25 the city to rely upon either the private sector

1 mining companies for their information or federal
2 and provincial bureaucrats. Given the number of
3 break downs in the bureaucratic process recently
4 witnessed at all levels of government, you will
5 hopefully forgive and understand the city's
6 apprehension. And, in any context, it is
7 problematic to rely on the private sector for
8 crucial information on their own activities.

9 The proponent has indicated that
10 internal health and safety audit procedures are in
11 place for all their systems and facilities. The
12 city is concerned with what becomes of these
13 audits, what types of documents and comments are
14 drafted and where they are stored. Releasing
15 these documents to the public, or again releasing
16 plain language summaries, will certainly help the
17 residents of the Serpent River watershed feel that
18 the proponent takes public accountability
19 seriously. As such, the CNSC should consider
20 making it a requirement of the licence to release
21 to the public some form of internal audit reports.

22 I was pleased to hear Rio Algom's
23 comments regarding their plans for improved
24 communication with the public through annual
25 public meetings and plain language summaries. I

1 trust that stating their intentions before the
2 Commission will in essence commit them to those
3 planned activities, as part of the licence that
4 may be granted shortly for the historic sites.
5 This will certainly go a long way in allaying most
6 of the city's concerns and I can commit to work
7 closely with Rio Algom as a resource to the
8 environmental committee and as Special Projects
9 Manager for the city.

10 There is no doubt that the concept
11 of a public communications program regarding the
12 tailings area is a complex and varied issue. No
13 stakeholders, including the City of Elliot Lake,
14 would be served by unduly alarming the public with
15 an overabundance of information. The public
16 needs to be aware of the health risks caused by
17 the low level nuclear substances and the risks to
18 the environment, but equally aware of the
19 successful mitigative efforts put in place by the
20 proponent.

21 However, despite their best
22 attempts, the city feels that the proponent's
23 public consultation program over the past few
24 years has become reactive in nature and could
25 stand to be more proactive. As noted, Rio Algom

1 Limited is very co-operative in responding to
2 requests for information and in supplying
3 documents to their list of stakeholders. But
4 providing information on demand does not
5 constitute an effective process of consultation
6 and communication. The program could and may
7 indeed become much more effective with strategic
8 co-operation of all stakeholders, including the
9 city, the proponent and the regulatory agencies.

10 For examples of the limitations of
11 the current public communications program, one
12 does not have to look very far. As noted in the
13 proponent's application, they have and will
14 continue to conduct public meetings to discuss the
15 contents of project specific reports. This was
16 done for the Serpent River Watershed Monitoring
17 Program in May 2001 and obtained limited results.
18 This may be more indicative of a lack of a
19 strategic, ongoing and visible awareness program
20 than of public apathy. One must cultivate
21 awareness of an issue before expecting the public
22 to take time out of their lives to attend any
23 meeting.

24 Further, it appears to the city
25 that Rio Algom's public communications programs

1 during the decommissioning of various mines in the
2 1990s is factoring heavily in the current historic
3 sites application. While no one is disagreeing
4 with Rio Algom's excellent track record of co-
5 operation and information sharing, I would caution
6 the Commission against making any assumptions that
7 a proactive program will continue indefinitely. A
8 lot has changed since the 1990s. At that time,
9 Rio Algom and all stakeholders agreed that an in-
10 depth and proactive public campaign was necessary
11 to educate the public regarding the massive
12 decommissioning efforts of multi-million dollar
13 mines that had recently been employing thousands
14 of people.

15 During the decommissioning, Rio
16 Algom had a visible presence in the community,
17 local offices employing a number of staff. Those
18 circumstances are a distant memory in 2002 with no
19 permanent offices in the City of Elliot Lake, in
20 fact a very limited presence in Canada, and the
21 city is concerned that the historic sites have the
22 risk of falling out of sight and out of mind to
23 the general public. Now we observe a reactive and
24 most likely cost-effective public communications
25 program, responding only on demand and being

1 managed by a single employee.

2 Why now would the need for an
3 active and visible public awareness program be
4 diminished? We have over 160 million tonnes of
5 radioactive and acid generating nuclear waste
6 within our municipal boundaries, a worldwide
7 reputation as a successful retirement community,
8 with a high turnover of residents who know very
9 little about the tailings and their management.

10 Similarly, the proponent indicates
11 it has adopted the Statement on Community
12 Responsibility developed by the International
13 Council on Metals and the Environment on Section
14 2.5, page 2-5 of their General Operating Plan.
15 The core principles are certainly admirable, but
16 vague enough to allow for considerable debate over
17 what is an "effective process of consultation and
18 communication". Which leads the city to question
19 which stakeholders judges the efficiency of the
20 public consultation program and at what point?

21 The public program on that page 2-
22 5 has limited details on the future. I have no
23 reason to doubt that anything will change. In
24 fact, I have a lot of hope for future co-operative
25 efforts, but there seem to be a lack of concrete

1 plans on which to comment. For example, despite
2 the ample technical information, there is no
3 mention of any plans to make information available
4 on a website, corporate or otherwise, or to
5 reinstate tours of the tailings that were
6 cancelled in 2001. Surely some specific details
7 can be built into the licence with respect to
8 public service through a visible and proactive
9 awareness program.

10 Similarly, the CNSC has a big job
11 to do cultivating awareness of its mandate and the
12 Nuclear Safety and Control Act. Running ads in
13 the local papers for these hearings caused much
14 alarm due to the unfortunate wording of the
15 licence for "storing nuclear waste". Had a local
16 communications program been in place to explain
17 the new legislation and regulations, considerable
18 administrative changes and the new name of the
19 organization, the public would have been much
20 better served.

21 Also, a good deal of pertinent
22 information is buried amidst the technical jargon
23 and CNSC reports. For example, the Joint Review
24 Group's comparative sampling results and quality
25 control measures would be of great interest to the

1 public, but it is unrealistic to assume that it
2 will be picked up on and sifted out of the lengthy
3 reports without some assistance from either the
4 regulatory agencies or the proponent.

5 Overall, the City of Elliot Lake
6 is quite pleased to see that these historic sites,
7 after lying in state for decades, will finally be
8 licensed by the CNSC. Our main concern is
9 ensuring that the current and future residents of
10 Elliot Lake are well served by the proponent and
11 the regulatory agencies, something that is
12 slightly problematic given the inherent
13 limitations of the system such as the lack of
14 available funding and apparent reticence to alert
15 plans and procedures in light of local realities.

16 Thank you very much for this
17 opportunity.

18 THE CHAIRPERSON: Thank you for
19 your submission and for your comments today.

20 The floor is now open for
21 questions.

22 Mr. Graham.

23 MEMBER GRAHAM: What is the
24 population of the City of Elliot Lake?

25 MR. GAGNON: The City of Elliot

1 Lake proper as of the 2001 census is approximately
2 12,000 people. It has gone down a tad since the
3 1996 census which was 13,500.

4 MEMBER GRAHAM: You mentioned and
5 I believe we are aware of it that it is quite a
6 renowned retirement community?

7 MR. GAGNON: There is quite a
8 reputation. There is a lot of successful
9 marketing on behalf of the city and the Elliot
10 Lake Retirement Living Corporation which might be
11 another stakeholder in this as well. They do
12 market and it is quite a well-known reputation.

13 MEMBER GRAHAM: A question to the
14 application Rio Algom. There is mention here
15 about a website and information on a website.
16 Have you your website set up and if you do not
17 will you be developing a website specifically for
18 information for the public?

19 MS WIBER: We deliberately did not
20 specify exactly what we were going to do. The
21 reason is that we wanted a chance to have dialogue
22 with the city, with SEC, with others, to be sure
23 we did not do something unilaterally that people
24 said "well, no, that's not what we meant. We did
25 not want it that way."

1 We are willing and able and eager
2 to get a website up and running that would serve
3 Elliot Lake. We could provide links perhaps to
4 other sources of information as well. So that's
5 the kind of mechanism that is cost effective, that
6 can be reached by many people and we would support
7 that.

8 MEMBER GRAHAM: A question for
9 CNSC staff on CNSC's website, is it easily
10 accessible, the Elliot Lake information, or how
11 much information do you have on our website with
12 regard to the Elliot Lake information?

13 MS MALONEY: It's Cait Maloney
14 here.

15 The CNSC website is a generic
16 website. However, there is information on the
17 public hearings if one goes in through the
18 secretariat part of that there is information
19 directly on this hearing.

20 MEMBER GRAHAM: But what you are
21 saying, though, it's generic to the hearings and
22 the results and records of proceedings and so on,
23 but not necessarily providing back-up data. All
24 of the reports that are in this report though,
25 would that be on the website or not?

1 MS MALONEY: It's Cait Maloney
2 again. The materials involved in the
3 environmental assessment is available through the
4 website. Some of it may not be directly
5 available, but it is available to be requested.
6 The title would be there and one could get it, a
7 paper copy.

8 THE CHAIRPERSON: Dr. Giroux.

9 MEMBER GIROUX: Yes. Staff first.
10 There is a mention in Mr. Gagnon's presentation
11 that you are running ads in the local papers to
12 advertise what is happening in the hearing and the
13 licensing process. He quotes you as having
14 wording the ads about storing nuclear waste.

15 My question is: Did you actually
16 use those words and are we talking here about
17 storage or disposal?

18 MS MALONEY: It's Cait Maloney.
19 The wording in the ad was indeed unfortunate. It
20 did talk about storing wastes. We realized when
21 we actually got some comment from the public very
22 quickly on that we realized that they were now
23 under the impression that waste was going to be
24 imported into the area. Possibly they were
25 thinking about spent fuel storage in that area.

1 So there certainly was a mistake
2 on our part. We will ensure that that does not
3 happen again in our advertising.

4 MEMBER GIROUX: The second part of
5 my question, yes.

6 MS MALONEY: This is in fact
7 storage, the material, because there will be care
8 and maintenance of the material, so it is not
9 disposal per se. This is an operating facility
10 licence that is being considered.

11 MEMBER GIROUX: Actually, I think
12 I missed that distinction. Disposal is not long
13 term, for an indefinite time without monitoring
14 and without maintenance. Is that correct?

15 MS MALONEY: Disposal would be the
16 intent that one could walk away from the facility
17 without having the human intervention.

18 MEMBER GIROUX: Thank you for the
19 clarification.

20 A question to Mr. Gagnon now, you
21 mentioned the tours of the tailings and you say
22 that they should be reinstated. Could you tell me
23 how important they are in your view for the
24 public? We have been told or informed that there
25 were tours run at some time and then Rio Algom

1 dropped them because there was no attendance.

2 MR. GAGNON: My understanding was
3 it was a combination of various issues. Part of
4 it might have been poor attendance. The other
5 part of it was local residents seeing it possibly
6 as something to do as a past time and taking two
7 or three separate trips over the course of the
8 same summer.

9 I do not think the city is
10 disagreeing that there were reasons to look at
11 that, but I am not sure if they made the jump to
12 cancelling the tours all together without properly
13 looking at it. I think, and they have on the
14 request of the city and will be doing it over this
15 weekend because the Uranium Festival and that's
16 not the name of it any more, but a festival the
17 city is conducting over the weekend, again that's
18 reactive. The city would request and they would
19 react. I think we can come to terms since there
20 is a lot of room for middle ground to have a few
21 tours once a month or whatnot over the course of
22 the summer.

23 It seemed odd to me that for
24 various reasons they cancelled the tours all
25 together and had we not brought this up through

1 this licensing process and through the festival it
2 might not have been reinstated.

3 MEMBER GIROUX: But did you get
4 requests from the population that they were
5 concerned that they would want to have the tours
6 reinstated?

7 MR. GAGNON: Specific requests, I
8 have had various concerns expressed to me through
9 my dealings with the environmental committee and
10 members of the public on other issues.

11 The other issue I alluded to in my
12 submission, that because of the retirement aspect
13 of our community there is a high turnover of
14 residents for various reasons. I think we could
15 work out a way that new residents would be
16 provided an opportunity, if they are interested,
17 to look at the sites because of that. That way
18 you could maintain the public awareness of the
19 issue as the demographics change of the community
20 which is happening fairly rapidly in northern
21 Ontario.

22 MEMBER GIROUX: My final question,
23 I would like to address the question of plain
24 language. The convergence of intervenors this
25 morning requiring that documents be put out in

1 plain language and in your presentation you say
2 somewhere that it doesn't serve stakeholders to
3 unduly alarm the public with an overabundance of
4 information and communications. You are putting
5 the alarm and linking it with the amount of
6 documentation. Then you say there should be plain
7 language.

8 Plain language can also be very
9 easily used to alarm people. When you want to
10 alarm people you use plain language. You don't
11 use 50 pages of technical documents. So there are
12 two sides to this in my view. I would like you to
13 comment.

14 There are limitations and you say
15 the public should be aware of the health risks and
16 the risk to the environment and the mitigative
17 factors put in place by the proponent. It is not
18 easy, in my view, to express all this in plain
19 language. You are talking about a health risk and
20 you have to go into probabilities and you have to
21 go into something which is a bit more in plain
22 language. I am expressing this as a hypothetical
23 opinion to have you comment and maybe be more
24 explicit on what could and should be done in terms
25 of informing the public.

1 MR. GAGNON: I think it boils down
2 to in some essence summarizing the flood of
3 documents that are produced. In a public
4 consultation program, the mayor, for example,
5 would receive a huge report on management plan or
6 a report for a certain mine site for the year.
7 How are we to do that? I am not sure what to do
8 with it. The public is not receiving that. We
9 could receive it before council, but the public
10 would not get it in chewable chunks, something
11 that they could wrap their minds around and what
12 this does need is, an executive summary of some
13 sort.

14 We still have the inherent issue
15 of who would be drafting the summary. It would be
16 the proponent and we still would not have an
17 independent review to a degree, but we just need
18 to serve the public so that if they ask any
19 questions we can answer them on the level that
20 they are asking. If we cannot dumb it down to a
21 level, if it is too complex, then we will have to
22 sit them down and have the meetings that may or
23 may not be well attended. I am sure there is
24 middle ground here that can be reached between the
25 flood of technical documents and a lack of a

1 visible program and unduly alarming them or
2 forcing them to delve into reports and reports on
3 sampling and things that a layman just can't
4 understand. I am sure we can find a common ground
5 somewhere.

6 11:20 a.m.

7 But I just would stress that the
8 onus is on the proponent to provide opportunity or
9 come to the table and say, "This is what we
10 suggest. What are your comments?" I am sure they
11 agree with that.

12 THE CHAIRPERSON: I am going to
13 come back to a variation on the question that I
14 asked Ms Lloyd.

15 I again have concerns about these
16 broad generalizations about public trust and
17 public institutions. It would be equivalent, Mr.
18 Gagnon, to saying that the people of Elliot Lake
19 have a certain confidence in you based on what may
20 or may not be a broad view of government, because
21 you are government too. I have a deep concern
22 that I would like to register and I would like to
23 know if you could be just a little bit more
24 explicit. I found c'est trop facile un peu this
25 discussion that has been made about bureaucracies

1 and confidence and institutions. I just cannot
2 let this sit on the table as being not commented
3 on where there are people in Elliot Lake and
4 people in this audience who are listening to this
5 and hearing these comments. I just would like
6 some further clarification. I cannot let this be
7 left as such an easy statement to be made and this
8 broad washing of public servants.

9 MR. GAGNON: I can't point to
10 anything specific besides the various innuendo
11 after Walkerton. I have worked for an independent
12 commission. Regardless of how professional and
13 well-educated your staff at the CNSC has been or
14 the staff of any public body, including a
15 municipality, mistakes happen. The CNSC is the
16 watchdog of the mining companies. I get this all
17 the time and I get accused at city council and at
18 the municipal government as well, but it is the
19 nature of the beast. I am speaking on behalf of
20 the residents and I am trying to provide
21 information on behalf of the residents and the
22 residents are concerned, "Who is watching the
23 watchdogs?"

24 THE CHAIRPERSON: So you,
25 explicitly, have actually heard comments of this

1 kind, that question, "Who is watching the
2 watchdog?" Is that actual comments that you have
3 heard in your offices or through city matters?

4 MR. GAGNON: I couldn't quote
5 those words but, yes, that sentiment has been
6 echoed to me. Many residents would look at the
7 AECEB/CNSC in the same light as the proponent:
8 visible in the community at one time. I
9 understand there were AECEB offices in the city of
10 Elliot Lake and they are gone. They are nowhere
11 to be seen.

12 The joint review group does
13 excellent work. So does the CNSC staff. But you
14 have the same public communications problem that
15 the proponent has. It is not getting to your
16 average resident. He does not understand that
17 there is this independent/semi-independent
18 sampling, whatever you want to call it, of the
19 JRG. They don't understand that. CNSC, the
20 proponent and the city needs to get that
21 information to the public because -- and I just
22 wrote that down as we were going along -- there
23 are all kinds of misconceptions and ignorance
24 among the public basically that needs to be
25 clarified. We need to educate them, especially

1 new residents, and we need to manage expectations.
2 Their expectations are all over the map.

3 THE CHAIRPERSON: Thank you for
4 that clarification.

5 I would like now then to move to
6 the next submission, which is a written submission
7 from the Standing Environmental Committee of the
8 Serpent River Watershed, as noted in CMD Document
9 02-H10.6.

10

11

12 **02-H10.6**

13 **Written submission from Standing Environmental**
14 **Committee of the Serpent River Watershed**

15 THE CHAIRPERSON: Do the
16 commission members have any questions with regard
17 to this written submission?

18 The next submission is CMD 02-
19 H10.7 from Mining Watch Canada.

20

21 **02-H10.7**

22 **Written submission from Mining Watch Canada**

23 THE CHAIRPERSON: Are there any
24 comments or questions from the Commission members
25 with regard to this submission?

1 I just would like to have one more
2 question with regard -- I just thought because of
3 the length of the discussions that we have had
4 today and in Hearing Day One, I just would like to
5 ask the staff just to summarize briefly, if you
6 could, exactly the reasons for the recommendation
7 of the indeterminate licence.

8 Could you just give us a summary
9 for the record.

10 MS MALONEY: Cait Maloney here.

11 The reasons for our recommendation
12 are fourfold.

13 We believe that the term is
14 commensurate with the long-term, essentially
15 static, nature of the facility.

16 The hazards in this operation are
17 well characterized, impacts are well understood.
18 We have been working in the Serpent River basin
19 for many years and we believe that both the
20 proponent and the regulator have a good handle on
21 the work that is being done, the impacts there.

22 The third reason is that the
23 measures and programs proposed by the proponent
24 appear adequate to staff, both the radiation
25 protection programs, health and safety programs,

1 emergency response and the monitoring programs.

2 Finally, although this site is a
3 new site, the applicant is well known to
4 Commission staff. They have a consistent record
5 of good safety performance in the Elliot Lake
6 area. We have no reason to believe that that will
7 not continue with this licence.

8 THE CHAIRPERSON: This then
9 completes the record for the public hearing on the
10 matter of the application by Rio Algom Limited for
11 a radioactive waste facility operating licence.

12 The Commission will deliberate and
13 will publish its decision in due course. It will
14 be posted on the CNSC website as well as
15 distributed to the participants.

16 I would like to especially thank
17 those people that are on the video conference from
18 the City of Elliot Lake for participating today
19 and I would like to thank everyone for
20 participating in the meetings today.

21 We will have a five-minute break
22 in which we will change over to the next hearing
23 process. Thank you very much.