

**Canadian Nuclear
Safety Commission**

**Commission canadienne de
sûreté nucléaire**

Public hearing

Audience publique

December 10th, 2009

Le 10 décembre 2009

Public Hearing Room
14th floor
280 Slater Street
Ottawa, Ontario

Salle d'audiences publiques
14^e étage
280, rue Slater
Ottawa (Ontario)

Commission Members present

Commissaires présents

Mr. Michael Binder
Dr. Moyra McDill
Dr. Christopher Barnes
Mr. Alan Graham
Dr. Ronald Barriault

M. Michael Binder
Mme Moyra McDill
M. Christopher Barnes
M. Alan Graham
M. Ronald Barriault

Secretary:

Mr. Marc Leblanc

Secrétaire

M. Marc Leblanc

Senior Counsel :

Mr. Jacques Lavoie

Conseiller principal:

M. Jacques Lavoie

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Ottawa, Ontario

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3 --- Upon commencing on Thursday, December 10, 2009
4 at 1:32 p.m.

5
6 **Opening Remarks**

7
8 **M. LEBLANC:** Bonjour, mesdames et
9 messieurs. Bienvenue à cette audience publique de la
10 Commission canadienne de sûreté nucléaire.

11 I am just going to go through a few items
12 for those who weren't with us this morning.

13 So we have -- this is about the extension
14 of exemptions for the Gunnar and Lorado sites that is
15 being requested by the Saskatchewan Research Council.

16 We have simultaneous translation. It's not
17 only for this room but since this particular proceeding is
18 being webcasted and so we are having simultaneous
19 interpretation at the same time.

20 If it's needed in this room, the French
21 version is on channel -- au poste 8 pour la version
22 française and the English version is on channel 7.

23 I would also ask that you keep the pace of
24 your speech relatively slow so that the translators have a
25 chance of keeping up.

1 Transcriptions will be available on our
2 site next week. And as a courtesy to others in the room
3 please silence your cell phones and other electronic
4 devices.

5 Monsieur Binder, président et premier
6 dirigeant de la CCSN, va présider l'audience publique
7 d'aujourd'hui.

8 Mr. President.

9 **THE CHAIRMAN:** Thank you, Marc.

10 Good afternoon and welcome to today's
11 public hearing of the Canadian Nuclear Safety Commission.

12 Mon nom est Michael Binder. Je suis le
13 président de la Commission canadienne de sûreté nucléaire.

14 Je vous souhaite la bienvenue and welcome
15 to all of you who are joining us via the webcast or
16 videoconferencing.

17 I'd like to begin by introducing the
18 Members of the Commission that are with us here today. On
19 my right are Dr. Moyra McDill and Dr. Christopher Barnes;
20 on my left, Mr. Alan Graham, Monsieur André Harvey and Dr.
21 Ronald Barriault. Mr. Tolgyesi is unable to attend this
22 week's proceeding.

23 We have heard from our Secretary, Marc
24 Leblanc, and we also have Mr. Jacques Lavoie, Senior
25 General Counsel to the Commission.

1 **MR. LEBLANC:** So before adopting the
2 hearing agenda, please note that three supplementary
3 Commission Member Documents, or referred to as CMDs, were
4 added to the agenda for publication on November 10, 2009,
5 as listed on the updated agenda.

6 We have on the agenda this afternoon the
7 public hearing from the Saskatchewan Research Council to
8 extend the exemptions of the Gunnar and Lorado sites from
9 the requirements of the *Nuclear Safety and Control Act*
10 until December 31st, 2014.

11 **THE CHAIRMAN:** With this information I
12 would like to call for the adoption of the agenda by the
13 Commission Members, as outlined in 09-H14.A.

14
15 **09-H14 / 09-H14.A**

16 **Adoption of Agenda**

17
18 **THE CHAIRMAN:** Do I have concurrence? For
19 the record, the agenda is adopted.

20 So let's then proceed with the hearing on
21 Saskatchewan Research Council request.

22 Marc, over to you.

23
24 **Saskatchewan Research**

25 **Council:**

1 **Request from the Saskatchewan**
2 **Research Council to extend the**
3 **exemptions of the Gunnar and**
4 **Lorado sites from the requirements**
5 **of the Nuclear Safety and Control**
6 **Act until December 31, 2014.**

7
8 **MR. LEBLANC:** Yes, just to confirm this is
9 a One-Day public hearing. The Notice of Public Hearing
10 2009-H-07 was published on October 9th of this year.

11 The public was invited to observe the
12 proceeding. The Métis Nation Saskatchewan filed a letter
13 requesting the permission to participate, both in writing
14 and by making an oral presentation at the hearing. The
15 request was accepted. The submission filed by the Métis
16 Nation Saskatchewan is outlined in CMD 09-H15.2.

17 December 2nd was the deadline for filing of
18 supplementary information. We know that supplementary
19 information has been filed by the Saskatchewan Research
20 Council.

21 **THE CHAIRMAN:** Okay. So let's start by
22 hearing from Saskatchewan Research Council, as outlined in
23 Commission Member Document H15.1/H15.1A.

24 And I understand that Mr. Muldoon, welcome
25 back. He is here, and the floor is yours.

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09-H15.1 / 09-H15.1A / 09-H15.1B

**Oral presentation by
Saskatchewan Research Council**

MR. MULDOON: Thank you. Good afternoon,
Commission Members.

For the record, I am Joe Muldoon, Vice-
President of Environment and Forestry Division of
Saskatchewan Research Council.

With me today is Aaron MacDonell, the
Project Manager for the Gunnar Lorado Project to my right.
Behind me I have Tom Calvert from National Resources
Canada, Hal Sanders and Keith Cunningham from Saskatchewan
Energy and Resources.

The Saskatchewan Research Council, or SRC,
is a Treasury Board Crown formed in Saskatchewan in 1947.
We are an arms length agency of government and we operate
more like a business than government. We are dedicated to
the research and development of technologies to support
and grow economic activity in Saskatchewan.

We operate across a number of strategic
sectors. They're listed there. I won't go through them
in any level of detail.

The Gunnar Rehabilitation Project falls

1 under the Environment and Forestry Division, which is
2 under my responsibility. Environmental Sciences have been
3 part of SRC since our inception in 1947.

4 The presentation that I'm going to be
5 giving this afternoon will provide an overview of the
6 Gunnar mine sites, followed by the Lorado site, basically
7 where we are to date and what our plans are.

8 The Gunnar Lorado work is part of a larger
9 project that's called Project CLEANS, which involves the
10 clean-up of more than 30 sites in northern Saskatchewan.
11 Gunnar and Lorado are the two largest and the only sites
12 that require CNSC regulatory approval. All the rest are
13 considered satellite sites.

14 The former Gunnar mine site is located in
15 northern Saskatchewan, 26 kilometres south of Uranium City
16 on the Crackingstone Peninsula. The site is accessible
17 only by air or water and it is approximately 825
18 kilometres north of Saskatoon. The site was discovered in
19 1952, began operation in 1955, and closed in 1964. The
20 only decommissioning activity at the time was to blast a
21 channel from the pit to Lake Athabasca to allow the pit to
22 flood.

23 Here's a more recent picture of the site.
24 During operation -- the pit is in your foreground there.
25 During operation, the Gunnar pit consisted of the open pit

1 mine which operated from 1955 to 1961. The underground
2 mine portion operated from 1957 to 1963. The site
3 includes the original mill, the acid plant, the flooded
4 open pit, the main frame which you can see in the picture,
5 warehouses and garages, and there are three tailings
6 management areas.

7 To the northwest of the mine production
8 site is the remnants of the Gunnar community, which
9 included a school, residences, maintenance shops, a
10 recreation centre, a mall, bank, bowling alley and curling
11 rink. At the height of the mining operation the community
12 housed over 600 people on site.

13 Some of the current site issues. The one
14 that I would like to reinforce is the physical hazard
15 present at the site. These are some of the buildings over
16 on the community portion of the location. We are anxious
17 to proceed with the demolition of the existing
18 infrastructure at the Gunnar mine site, given the public
19 safety risks. There is evidence of unauthorized usage and
20 salvage of the buildings on site which may expose the
21 public to physical hazards, and these are a couple of the
22 residences. We do have them closed as best we can but
23 certainly they still pose some risks.

24 The former Lorado site is road-accessible
25 from Uranium City but the public -- anybody that wants to

1 access the site still has to fly into Uranium City, so it
2 still is really accessible by air. Once you're in Uranium
3 City you can then drive south to access the area. It's on
4 the shores of Nero Lake.

5 This is a more recent photo of the Lorado
6 sites. The mill operated from 1957 to 1960. The site
7 operated for three years and was officially closed in
8 1960. The buildings and all of the structures have been
9 taken down. You can see the snow fences which were
10 installed on site to help reduce the amount of wind blow
11 on tailings there, and that's Nero Lake.

12 The next few slides will outline the
13 schedule of events that have taken place since SRC was
14 retained to oversee the clean-up of the former Gunnar and
15 Lorado mine sites.

16 In April 2007, SRC submitted the former
17 Gunnar mine site rehabilitation project to the
18 Environmental Assessment Branch, Saskatchewan Environment.
19 We received notice from Saskatchewan Environment in June
20 '07, informing us that an environmental assessment would
21 be required under the *Environmental Assessment Act*.

22 In April 2008, SRC signed the contract to
23 deliver the former Lorado mill site. The draft guidelines
24 scoping document for the former Gunnar mine site was then
25 -- underwent a 30-day public comment review period. In

1 June, as I mentioned, we signed the contract and in July
2 CNSC staff recommended that the Commission accept the
3 draft tract report and adopt the scope as presented in the
4 guidelines scoping document.

5 In September 2008, SRC participated in a
6 one-day hearing in Saskatoon regarding the former Gunnar
7 mine site and to discuss the document as presented in the
8 proposed project-specific guidelines.

9 In October 2008, CNSC announced its
10 decision to the Federal Minister of Environment that the
11 environmental assessment for the former Gunnar mine sites
12 was to be continued as a comprehensive study.

13 In February 2009, the Federal Minister of
14 Environment announced that the project would proceed as a
15 comprehensive environmental assessment. That would -- if
16 we track the timeframes, that was 22 months after the
17 submission, after we made the submission on the former
18 Gunnar mine sites, we received confirmation that it would
19 proceed as a comprehensive EA.

20 In March of this year, SRC submitted the
21 project proposal for the former Lorado uranium mine site
22 to the Environmental Assessment Branch of Saskatchewan
23 Ministry of Environment.

24 I hope this isn't too confusing mixing the
25 Gunnar and the Lorado together. There's not that much

1 going on with Lorado at this point, we're very early on,
2 so I apologize if there's confusion there.

3 In April 2009, SRC issued a request for
4 proposals for the former Gunnar mine site environmental
5 assessment process and in June of this year we commenced
6 work through our consultants on the Gunnar environmental
7 assessment. We awarded the contract to a company, AECOM,
8 and had a number of meetings and collected -- significant
9 data was collected this year in the summer and the fall,
10 and much of that material we're now going through and
11 analyzing and moving forward with it.

12 I guess the point here is, this was the
13 first year that we were able to get off site and start to
14 update that information. We could not proceed until we
15 had the -- obviously, the project-specific guidelines
16 confirmed.

17 In terms of proposed activity, what we've
18 got planned in the future, literally as we speak, we're
19 looking at doing an internal preliminary options review in
20 terms of -- this is for the Gunnar -- and we're now
21 initiating a much more detailed engagement study.
22 Obviously, we've done a fair bit of consultation over the
23 past number of years. Now that we've collected some up-
24 to-date data on site, we're now in a stage where we can
25 start to have more detailed discussions around options and

1 the ones that are more applicable.

2 We had previously developed a framework for
3 engagement for the Gunnar EA and the first step was to
4 receive guidance from the Athabasca regional leadership on
5 how best to engage the communities. We have undertaken
6 those discussions. This was initiated in December during
7 our meeting with the Athabasca regional chiefs and the
8 community leadership in Fond du Lac and it was at that
9 meeting where we presented an update on the Gunnar rehab
10 project. So that's the most recent interactions that
11 we've had last month.

12 For the first quarter of 2010 we plan on
13 holding an options workshop. Our consultants will begin
14 to more intensively undertake the traditional knowledge
15 study. There will be public meetings. We plan on
16 engaging with -- again, much more actively with our
17 regulators and what we're hoping is we'll -- we plan on
18 doing that in a single forum or with all of the regulators
19 together in one room so we can have those kinds of
20 discussions, and we will begin preparation of the
21 environmental impact statement itself.

22 The second quarter, we'll hold another
23 options workshop. We'll have continued Aboriginal
24 stakeholder regulatory engagement and then continue with
25 the traditional knowledge study. And what else can I say?

1 We plan on engaging both the regulators and the
2 communities in a fairly intensive period over the next
3 little while.

4 In the third quarter, we will be collecting
5 additional data, if needed, on site and we'll continue
6 with our Aboriginal stakeholder and regulatory engagement.

7 We will begin a peer review of the draft
8 EIS and our plan is to submit that EIS to regulators in
9 December of 2010, so about a year from now, given that
10 we've just started that -- started our work onsite this
11 past summer.

12 The Lorado proposed activities; we're
13 waiting to receive the Laredo Mill site rehabilitation
14 project-specific guidelines, they were submitted in March
15 2009 and we are working with CNSC to get those guidelines
16 -- they're out -- currently out on a 30-day review process
17 under CNSC.

18 And we will be -- in the first quarter of
19 2010 we'll be looking at bringing in some consultants to
20 assist in the environmental assessment for the Lorado
21 rehab and begin to build our schedule for the Lorado
22 project.

23 In conclusion, we are very interested in
24 seeing the progress on this project. We remain committed
25 to the Northern communities and to the dialogue -- ongoing

1 dialogue.

2 Our overall goals are to conduct the
3 rehabilitation in a manner that meets or exceeds
4 requirements and we certainly recognize that there will be
5 follow-up monitoring.

6 I guess the final thing that I'd want to
7 say is, I mean we're all wanting to meet the same
8 objective here. These are legacy sites that require
9 clean-up and we want to find the most effective and the
10 most efficient means to do so.

11 If there are ways that we can improve the
12 current review process, and I believe that there are, and
13 the inter-agency cooperation, I can assure you that SRC is
14 ready and willing to participate in any manner than we can
15 to move us forward to where we actually get shovels in the
16 ground and start the rehab work that I know the residents
17 and stakeholders up in that area have been waiting for for
18 decades.

19 Thank you and I'd certainly be open to any
20 questions when you're ready.

21 Thanks.

22 **THE CHAIRMAN:** Thank you very much.

23 I'd like to turn to the CNSC staff now for
24 their presentation as outlined in H15.

25 Mr. Elder, you may proceed.

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09-H15

Oral presentation by

CNSC staff

MR. ELDER: Thank you.

Good afternoon, Mr. President, Members of the Commission.

For the record, my name is Peter Elder, Director General, Directorate of Nuclear Cycle and Facilities Regulation.

With me this afternoon are Mr. Don Howard, the Director of our Waste and Decommissioning Division and Mr. Claude David, Project Officer for these projects that are being proposed by the Saskatchewan Research Council to remediate the former Gunnar and Lorado uranium mine sites.

We also have with us our Environmental Assessment Specialists who are working on these projects, as well as Environmental Risk Specialists.

The Gunnar and Lorado sites have been exempted from the requirements of the *Nuclear Safety and Control Act* since it came -- since the Act came into force in 2000.

The Commission has twice granted exemptions related to these sites; first in 2001 and the second

1 exemption at the request of the Province of Saskatchewan
2 in 2004. The current exemption expires December 31st,
3 2009. CNSC staff has prepared CMD 09-H15 which recommends
4 that the -- recommending that the current exemptions be
5 extended until April 30th, 2013.

6 For a summary of our CMD and the
7 recommendation I will now pass the presentation on, first
8 to Mr. Howard and then Mr. David.

9 **MR. HOWARD:** Thank you and good afternoon.

10 For the record, my name is Don Howard;
11 Director of the Waste and Decommissioning Division.

12 In August 2009 the Saskatchewan Research
13 Council submitted a request to extend the current
14 exemptions for the Gunnar and Lorado sites from the
15 application of the *Nuclear Safety and Control Act* for the
16 possession, management, and storage of nuclear substances.
17 The request was for the exemption until December 31st
18 2014.

19 In Commission Member Document 09-H15 being
20 presented to you today, staff will be providing
21 information to support its recommendation that the
22 Commission consider extending the current exemption until
23 April 30th, 2013.

24 I will now ask Mr. David to provide the
25 details of our recommendation today.

1 **MR. DAVID:** Thank you.

2 Good afternoon, Mr. President, and Members
3 of the Commission.

4 My name is Claude David and I am a CNSC
5 Project Officer, responsible for managing the proposals to
6 remediate the former Gunnar and Lorado Mine sites.

7 As was just mentioned, CNSC staff is
8 recommending that the Commission extend the current
9 exemptions in relation to the Gunnar and Lorado sites
10 until April 30th, 2013 which is a shorter exemption period
11 than that being requested by the SRC.

12 Staff's recommended exemption period is
13 based on the assessment of planning schedules for the
14 completion of the regulatory processes prepared by the
15 SRC, the Canadian Environmental Assessment Agency and by
16 CNSC.

17 Staff believes that both sides can be
18 licensed on or before April 30th, 2013, contingent upon
19 the SRC submitting their EIS' according to the schedules
20 available at this time.

21 This recommendation is also based on the
22 fact that the institutional controls implemented by the
23 Province of Saskatchewan to prevent, to the extent
24 possible, exposure to the many hazards found at these
25 sites and are well maintained and for the most part seem

1 to be working as intended.

2 Staff is also taking into account the
3 regular site inspections being carried out by the SRC and
4 of their increase onsite physical presence or that of
5 their contractors who will be working at the sites in the
6 next few years as we move ahead towards bringing these
7 sites under licence.

8 Further, staff are not expecting that the
9 current health and safety or environmental risks will
10 increase during the recommended exemption period.

11 Finally, the extensions would not delay the
12 remediation of the sites and are needed to allow the
13 completion of the regulatory processes; that is the
14 environmental assessment process and the licensing
15 process.

16 As mentioned, the SRC conducts inspections
17 of the Gunnar and Lorado sites early in the summer and
18 visits the sites frequently throughout summer.

19 CNSC has, from time to time, accompanied
20 provincial officials on their inspections. Staff is of
21 the opinion that the SRC has been diligent in ensuring
22 that the many hazards that remain at these sites are being
23 adequately managed.

24 Short term management of the hazards is
25 achieved by implementing institutional controls which

1 include barricading entrances to buildings at Gunnar,
2 installing and maintaining warning signs at both Gunnar
3 and Lorado, controlling airborne particulates at Lorado,
4 issuing untreated water and fish consumption advisory
5 notices, and informing local residents and visitors of the
6 hazards and how to avoid exposing themselves to these
7 hazards.

8 CNSC staff will continue to monitor SRC's
9 efforts in this regard to ensure that the current level of
10 oversight is maintained. Staff will be increasing its
11 oversight efforts as well, by doubling the number of
12 annual visits to the Gunnar and Lorado sites from one to
13 two, starting in 2010.

14 The SRC has informed staff that field work
15 is required in 2010 in order to complete the EA for
16 Gunnar.

17 Because of a recent change in the
18 completion date of the EA for Gunnar CNSC staff is now
19 proposing to conduct a review of licensing documentation
20 concurrently with the review of the EIS, rather than
21 subsequently, as is indicated in CMD 09-H15.

22 SRC has made a commitment to staff to begin
23 preparing its licensing documentation early in 2010 so
24 that staff can begin reviewing the documentation earlier
25 than planned.

1 The timelines for the completion of the
2 licensing and EA processes are provided later in this
3 presentation.

4 This slide provides information regarding
5 the major issues which have delayed the licensing of the
6 Gunnar site. During the current exemption period the
7 province was able to complete its due diligence
8 investigation to find an owner or owners responsible for
9 the state of the Gunnar site.

10 Negotiations of the Memorandum of Agreement
11 between Natural Resources Canada and the former
12 Saskatchewan Industry and Resources, now called Energy and
13 Resources, to fund the cleanup was also completed during
14 the current exemption period. It should be noted that the
15 negotiation of this Memorandum of Agreement began in 1998.
16 From then on the pace of the activities to bring Gunnar
17 under licence has accelerated considerably since the
18 signing of the Memorandum of Agreement.

19 The search for an owner and the length of
20 time it took to negotiate the federal/provincial funding
21 agreement are the main reasons that explain why Gunnar is
22 not under licence today.

23 Before I begin speaking on this slide I
24 wish to advise the Commission that the EA completion date
25 indicated on this slide does not correspond to the EA

1 completion date indicated in CMD 09-H15.

2 This change is required as a result of an
3 updated EA schedule received last week from the Canadian
4 Environmental Assessment Agency.

5 I would ask the Commission members to turn
6 to page 10 of CMD 09-H15.

7 I would ask that you look under Section
8 3.1.2 titled "Next Steps", on the second bullet, the
9 second bullet reads:

10 "EA process completed and
11 recommendation to the comprehensive
12 study environmental assessment is sent
13 to the Minister of the Environment for
14 decision by May 2011."

15 The revised date is -- should be changed
16 from May 2011 to January 2012.

17 This slide provides information on the
18 expected completion dates for the EA and licensing
19 processes and the clean-up of the site.

20 As mentioned, staff is planning to review
21 licensing documentation concurrent with the preparation
22 and review of the EIS. Staff has requested that the SRC
23 begin work in early 2010 by submitting a formal
24 application to the CNSC.

25 Staff believes that the concurrent review

1 of licensing and EA documents will expedite the licensing
2 of the site.

3 SCR has made a commitment to staff to begin
4 preparing its licensing documentation early in 2010 so
5 that staff can begin reviewing that documentation.

6 The Gunnar remediation proposal is
7 undergoing a comprehensive study level environmental
8 assessment in accordance with the comprehensive study
9 regulations established under the *Canadian Environmental*
10 *Assessment Act*.

11 The date of completion indicated -- the
12 date of completion indicated on the slide is the date that
13 the Canadian Environmental Assessment Agency expects the
14 Federal Minister of the Environment to render a decision
15 on the comprehensive study.

16 It should also be noted that the
17 Environmental Impact Statement must also satisfy the
18 requirements of the provincial EA legislation.

19 A public hearing for licensing Gunnar would
20 be required and would have to be held no later than April
21 2012, preferably sooner, if the SCR is able to deliver an
22 environmental assessment and licensing documentation as
23 per the current schedules. CNSC staff would like to see
24 remediation work at Gunnar begin in summer 2012.

25 This slide provides information regarding

1 the major issues which have delayed the licensing of
2 Lorado and they're similar to those that were just
3 presented for Gunnar.

4 During the current exemption period the
5 province succeeded in finding an owner for Lorado, that is
6 EnCana West Limited, who was found to be partly
7 responsible for the state of the Lorado site today.

8 Again, the pace of activities to bring
9 Lorado under licence has accelerated considerably since
10 the province concluded its negotiations with EnCana West.
11 The search for an owner for Lorado is the main reason as
12 to why Lorado is not under licence today.

13 The schedule for completion of the EA and
14 licensing processes for -- this is the schedule for
15 completion of the EA and licensing process for Lorado.

16 As with Gunnar, CNSC staff is planning to
17 conduct a review of the EIS and that of licensing
18 documentation concurrently. They expect a start day for
19 the cleanup of Lorado, again, is contingent upon
20 submission of regulatory documents by the SRC as per the
21 schedule examined by staff.

22 The EA is expected to proceed much more
23 quickly for Lorado than that of Gunnar as it is a
24 screening level environmental assessment.

25 It is possible that the approval process

1 for the EA screening report could be made by a designated
2 officer under the *Nuclear Safety and Control Act*.

3 It should be noted that Lorado's proposal
4 is also being assessed under the provincial environmental
5 legislation.

6 Staff has requested that the SRC begin
7 preparing its licensing documentation for Lorado in 2010
8 as well.

9 I'll now provide some historical
10 information on the Gunnar site, what it was during its
11 operation and what remains there today.

12 The Gunnar site, which includes the mine,
13 the mill and a 4.5 million tonne tailings area and an acid
14 plant was operated by the Gunnar Mining Ltd.

15 The Gunnar site was and still today is only
16 accessible by air or water. Gunnar included a town site
17 that could accommodate a community of about 3,500
18 residents.

19 Because of its remote location, many
20 community services were offered to workers and their
21 families residing at Gunnar and some of those services
22 were described by the SRC.

23 Most of the buildings erected at the time
24 are still there today.

25 There are numerous public safety issues

1 that have been summarized in the past with respect to
2 Gunnar, including the convention hazards resulting from
3 the extensive state of deterioration of the mine and mill
4 facilities and the support infrastructure.

5 The major physical hazards are Gunnar are
6 mainly confined within the mine and mill area of the site
7 and at the adjacent support facilities, such as the former
8 living quarters. Building material salvaged by the local
9 population have rendered wood frame structures unstable.

10 Dose rate measures measured by CNSC staff
11 at the mill range from 0.5 to 7 microsieverts per hour
12 while those measurements taken at the former acid plant
13 was, on the average, 0.1 microsievert per hour.

14 Gunnar tailings located in three distinct
15 areas are unconfined and continue to contribute a
16 contaminant load to the local environment.

17 There has been extensive wind erosion and
18 radon dissemination, as well as over 40 years of leaching
19 from the tailings area to the local watershed.

20 Two small intermittent streams continue to
21 transport radionuclides from the waste rock disposal area
22 to Lake Athabasca.

23 Most of the chemicals that were left behind
24 after closure were removed, however, there is still a
25 large number of drums that remain in the mill and the acid

1 plant. There is also a significant amount of friable or
2 loose asbestos in all buildings that can easily become
3 airborne.

4 The next few slides will provide a few
5 examples of the hazards that we find at Gunnar today.

6 This is a view of the inside of the west
7 side of the former mill. This picture was taken through
8 an opening of a frost fence installed by the SRC after
9 someone had removed a section of structural asbestos
10 cladding from the exterior mill wall. You'll note the
11 partially collapsed roof on the picture.

12 This picture is what is left of the former
13 powerhouse at Gunnar. The powerhouse generated 4,400
14 kilowatts of power during peak demand periods.

15 The powerhouse is located in front of the
16 mill and you'll note the rippled structural asbestos
17 cladding in the foreground and the wrapped friable
18 asbestos insulation that surrounds the pipe left standing
19 in the foreground of the picture.

20 You'll also note some of the overhead
21 hazards in the background of the picture, including the
22 leaning structural beams.

23 This is a picture of the Langley Bay
24 Tailings. The Langley Bay Tailings are the third and the
25 farthest of the three tailings areas from the mill at

1 Gunnar.

2 During operation of the mill, tailings were
3 allowed to flow unimpeded into Langley Bay. Particle size
4 of the tailings you see on this picture appear -- are fine
5 and have a silt texture.

6 You'll note that vegetation is slowly
7 reappearing on the edge of the tailings.

8 In June 2009, CNSC staff noted that the
9 signs posted at this site were in good condition. There
10 was evidence of recent erosion of tailings into Langley
11 Bay.

12 I will now provide some historical
13 information on the Laredo site. The former mill and
14 tailings area at Laredo was, and is still today, easily
15 accessible from Uranium City by an all-weather gravel road
16 that is maintained by the province.

17 Lorado Mill was operated by the Lorado
18 Uranium Mining Company Limited from 1957 to 1960. It
19 treated ore from the Lorado mine and from other satellite
20 mines in the area.

21 A sulphuric acid manufacturing plant was
22 located on site as the mill was designed to operate on a
23 sulphuric acid leach process. The mill was closed in 1967
24 due to a lack of feeder ore. Decommissioning of the
25 Lorado Mill was carried out in 1990 by Conwest Exploration

1 Company Limited.

2 Other than a few concrete pads at grade,
3 there are no buildings standing at the former Lorado Mill
4 site. The most significant feature remaining today at
5 Lorado is a tailings area that extends into Nero Lake.

6 In June 2009, CNSC staff noted that the
7 institutional controls, such as signage and snow fencing
8 installed to control transportation of windblown tailings,
9 were in good condition. The presence of unconfined
10 tailings posed a gamma radiation concern. Suppressants
11 have been used on the road to control dust or tailings
12 emissions. Staff recorded a maximum dose rate of 18
13 microsieveverts per hour at the tailings area at this site.

14 The tailings area at Lorado also includes a
15 submerged portion of tailings that extends well into Nero
16 Lake. It has been reported that radionuclides, heavy
17 metals and acid drainage are eventually making their way
18 into Beaverlodge Lake. Erosion of the tailings into Nero
19 lake is still active today.

20 During our June visit in 2009, staff noted
21 elemental sulphur on the ground at the area where the
22 former acid plant was located. Minor subsidence at grade
23 was noted at the location of the former mill area of the
24 site.

25 Potential for exposure to hazards at Lorado

1 occurs when the public travels on the provincial road
2 which separates the former Lorado Mill from the current
3 Lorado tailings area. You can see the road in the middle
4 of the right-hand side of the frame. The all-weather road
5 access to the mill from Uranium City, as was mentioned --
6 Uranium City is about 10 kilometres north of Lorado. It
7 is probably the reason why the mill was taken down in 1990
8 because of the ease of access to the facility.

9 The provincial road is used by local
10 residents and by workers to gain access to other mine
11 sites in the area. When the mill was operating, tailings
12 were allowed to flow into Nero Lake and, as a result, that
13 lake was severely impacted in the late fifties when the
14 mill was in operation.

15 When the mill was in operation, a berm was
16 built at the far end of Nero Lake to raise lake level for
17 operational purposes. This berm, or land bridge as it's
18 known today, was reinforced in 2006 to improve its
19 stability out of concern of the possibility that the lake
20 level at Nero would overtop the berm, leading to rapid
21 cutting of the berm and the subsequent release of metal
22 and radionuclide-bearing waters from Nero Lake into
23 Beaverlodge Lake.

24 The land bridge, which is very porous,
25 allows water to flow from Nero Lake to Beaverlodge. The

1 flow rate is estimated at about 11 litres per second.
2 This has resulted in the formation of a contamination
3 plume in Beaverlodge Lake, believed to be caused by the
4 precipitation of metal as the acidic water discharges into
5 the pH neutral water body that is Beaverlodge Lake.

6 The exemptions are required because the
7 Province of Saskatchewan is in possession of nuclear
8 substances at Gunnar and Lorado and needs to carry out
9 decommissioning work. Possession and decommissioning are
10 licensable activities under the *Nuclear Safety and Control*
11 *Act*. In other words, the extension of the current
12 exemptions is required in order to avoid putting the
13 Province of Saskatchewan in a situation of non-compliance
14 with the *Nuclear Safety and Control Act*.

15 CNSC staff expects that Gunnar will likely
16 be licensed as a Class 1B or equivalent nuclear facility.
17 As for Lorado, it is likely that a waste nuclear
18 substances licence will suffice based on the estimated
19 inventory of radioactive substances that would be stored
20 at that site.

21 Because of the provincial and federal
22 oversight of Gunnar and Lorado, staff concludes that the
23 extensions, if approved, will not significantly add to
24 current health and safety and environmental issues.
25 Impacts from the operations conducted at the Gunnar and

1 Lorado sites occurred many decades ago.

2 This being said, CNSC staff remains very
3 concerned about the potential for injury occurring at the
4 Gunnar site, due to the physical state of the buildings
5 that remain there today. Staff would like to point out
6 that the remediation of the sites would not be delayed by
7 the recommended extension period that is being recommended
8 by staff.

9 Finally, time is required to complete the
10 regulatory processes, that is the Canadian Environmental
11 Assessment Process and the *Nuclear Safety and Control Act*
12 Process.

13 Therefore, CNSC staff recommends that the
14 Commission extend the current exemptions of the Gunnar and
15 Lorado sites from the application of the *Nuclear Safety*
16 *and Control Act* for the possession, management and storage
17 of nuclear substances until April 30th, 2013.

18 This concludes staff's presentation. Thank
19 you.

20 **THE CHAIRMAN:** Thank you.

21 Before opening the floor for questions, we
22 will hear a presentation from the Metis Nation of
23 Saskatchewan, as outlined in CMD H15.2, and I understand
24 that we have Mr. Doucette coming to us via
25 videoconferencing.

1 I would like to remind you that we've
2 allocated 10 minutes for your remarks, so please proceed.

3
4
5 **09-H15.2**

6 **Oral presentation by**

7 **Metis Nation of Saskatchewan**

8
9 **MR. DOUCETTE:** Oh, good afternoon, Mr.
10 Chairperson, President Binder, members of the Commission.
11 Thank you for allowing the Metis Nation of Saskatchewan an
12 opportunity to intervene. I also want to thank, as I
13 always do, the Creator for giving us another day to work
14 to create peace and prosperity for all of us.

15 Mr. Chair, members of the Commission, I
16 just wanted to make a couple opening statements.

17 Hope is a prized commodity. Today and over
18 the past two-and-a-half years, the Metis Nation has
19 invested greatly on this commodity. Based on our
20 submissions, the willingness of the Metis -- or the
21 willingness of the Commission to hear our story and the
22 faith in the honour of this process which will lead to
23 justice for all of us involved.

24 For example, Russell Potter (phonetic), the
25 Uranium City Metis local president, wanted to be here. He

1 represents the people at the ground level, and as they
2 have been impacted for over three generations by this
3 development. Due to the lack of capacity on our part, we
4 couldn't bring our democratically elected leaders here
5 today.

6 You know, I also wanted to say for the
7 record, I want to thank the SRC for their October 28th
8 letter, as this was the first correspondence to me in
9 reference to a traditional knowledge impact study. It's
10 the first letter I've received since September 17th, 2008,
11 the last CNSC hearing.

12 With these opening remarks, I now turn to
13 my immediate right to MNS legal counsel, Doug Racine, for
14 further comments to the Commission and I will make some
15 concluding observations and recommendations.

16 **MR. RACINE:** As the Commission will know,
17 the Saskatchewan Research Council provided a supplementary
18 submission in response to our submission and I just wanted
19 to just update the Commission on just a couple of brief
20 comments in reference to their responses.

21 If you turn to their submission you'll
22 notice that the paragraphs are numbered. In reference to
23 paragraph 1 that deals with unacceptable rates of pay
24 offered to Uranium City Métis Local workers, the SRC said
25 that they established those pay structures for those jobs,

1 I guess in-house is what it seems to be, and they seem to
2 suggest that just because they established the pay rates
3 that those are correct.

4 The mere fact that the Saskatchewan
5 Research Council makes the determination of pay rates does
6 not make the pay rates fair. As you will note in our
7 submission, milk -- a quart of milk -- is between \$5 and
8 \$6 and a litre of gas is between -- I think it was --
9 well, it hovers somewhere around \$1.50 a litre. Rates of
10 pay such as \$20 an hour the MNS considers poverty wages at
11 Uranium City.

12 The other thing, just as a little add-on to
13 that little paragraph, is that our workers up there were
14 only allowed to claim for 43 cents a kilometre when they
15 used their vehicle.

16 The other thing I'll say is that the Métis
17 people they have transported the SRC people to the Gunnar
18 mine site by boat. This is a very specialized skill.
19 That lake is very dangerous, it has shoals, it's got rough
20 water and \$20 an hour just doesn't seem to reflect on that
21 skill level.

22 In reference to the second paragraph, in
23 reference to indigenous knowledge, the Saskatchewan
24 Research Council mentioned that the traditional knowledge
25 studies have not started yet, but we are getting lots of

1 information back from our Métis residents in Uranium City
2 that those questions are being asked by the staff. That
3 information, as you know, is very important -- sometimes
4 often more important than Western technical knowledge --
5 in inputs into environmental assessments.

6 Down south here we have one project where
7 our Métis elders and Métis citizens are being paid \$400 a
8 day for their traditional knowledge and, again, \$20 an
9 hour just does not seem to equate with the value that the
10 Métis people there can provide.

11 In reference to paragraph -- I think it's
12 paragraph 4 and that has to do with the fact that the
13 Uranium City Métis Local have been invited to meetings
14 outside Uranium City to deal with Gunnar mine site but
15 they can't -- they have no capacity to go out there and
16 join those meetings.

17 In the response to that the Saskatchewan
18 Research Council makes a telling comment when they say
19 they will only cover meetings they sponsor. To the Métis
20 this means they have no way of exchanging ideas with the
21 rest of the Athabasca community, nor any capacity to meet
22 with their only resource and support, the MNS head office
23 in Saskatoon.

24 In reference to paragraph 5, the
25 Saskatchewan Research Council says that they have set up

1 an office in Uranium City all summer long. In reference
2 to that office, that office did not provide any
3 educational programming for the community in reference to
4 the hazards or anything about Gunnar mine site at all.
5 They did not distribute information to the community,
6 except maybe the only Métis worker there, Alan Ojay
7 (phonetic), may have got some but the rest of the
8 community didn't get anything.

9 And the Métis people from there, their
10 description of the office was that it was just an office
11 for the Saskatchewan Research Council workers, not for the
12 Métis people.

13 In reference to paragraph 9, the SRC is
14 touting the project review committee and says or indicates
15 that we participated. I talked to the former President of
16 the Uranium City Métis and the current one and, yes, they
17 did agree to attend and participate but I think they've
18 only participated in that very first meeting and they
19 haven't participated in any other meetings with that
20 project review committee. So it's not working for us.

21 Just one final comment: The Canadian
22 Nuclear Safety Commission staff in their presentation
23 state that they are satisfied that the SRC is
24 disseminating information on the Gunnar and Lorado
25 projects to interested parties.

1 The MNS is not aware that any information
2 has been disseminated to the Uranium City Métis Local
3 except for the PowerPoints that were done. Perhaps we
4 don't know -- perhaps we are unaware of information that
5 was disseminated, and what we would like the Canadian
6 Nuclear Safety Commission staff to do is provide us with a
7 list of -- and the Saskatchewan Research Council -- with a
8 list of this information they say was disseminated.

9 In reference to traditional knowledge, we
10 know that the Saskatchewan Research Council has hired a
11 person to deal with that, an Aboriginal person who was
12 born in the Athabasca region, to deal with traditional
13 knowledge for the environmental assessment. We have
14 problems with that. That person is not from Uranium City,
15 keeping in mind that Uranium City is the most impacted
16 community.

17 The community of Uranium City had no input
18 into the hiring of this person. This person does not know
19 the Uranium City area. There's a problem with the fact
20 that if the Saskatchewan Research Council is paying this
21 person to extract knowledge, they have control over her
22 and will be able to vet any information she provides.

23 And the other thing that hasn't been
24 brought to light yet is the fact that there's no talk of
25 protection of the traditional knowledge that the Métis

1 will provide. That's very valuable and sometimes personal
2 information and we would like that addressed.

3 And perhaps now I can just turn back to
4 President Doucette, perhaps he wants to make a comment on
5 that.

6 **MR. DOUCETTE:** Thank you, Doug.

7 Just to give you an example -- and how are
8 we for time, Mr. Chair?

9 **THE CHAIRMAN:** You've got two minutes.

10 **MR. DOUCETTE:** Two minutes?

11 **THE CHAIRMAN:** Yes.

12 **MR. DOUCETTE:** Just by way of example, with
13 traditional knowledge from Aboriginal communities,
14 presently right now Cumberland House Cree and the Métis
15 Nation of Saskatchewan Local are working together to do a
16 traditional knowledge land use study. They hire locally,
17 they own the info, the outside agencies don't own it, and
18 it's based on the traditional knowledge of their area and
19 the resources are used to empower and accommodate Métis
20 and First Nations interests, not outside interests. It's
21 very powerful and it's moving along and it's a very
22 positive process.

23 So just for -- I guess in conclusion I
24 wanted to make one observation and then some
25 recommendations. In your ruling it says that we've

1 expressed concern related to the level of consultation and
2 that you said that -- the Commission stated:

3 "It expects SRC to improve its
4 consultation activities and the SRC
5 stated that it would examine the
6 methods it had used to date to make
7 improvements. The SRC further stated
8 that it would work with the MNS to
9 address its concerns."

10 This hasn't happened to date.

11 It also says that we are supposed to be
12 receiving meaningful information and assistance. We
13 haven't received any assistance -- well, anything that's
14 meaningful -- and it's a real concern for us.

15 And so I just wanted to make these final
16 recommendations and maybe I sound again like a broken
17 record. Follow the Métis Nation of Saskatchewan duty to
18 consult process passed by our citizens at our Métis Nation
19 Legislative Assembly. Provide capacity so we can fully
20 engage in the Canadian Nuclear Safety Commission processes
21 and the projects they monitor.

22 For example, today, with the capable
23 assistance of our legal counsel, that has cost us probably
24 around \$30,000 that we don't have.

25 I wanted to say also that -- recognize that

1 all traditional knowledge belongs to the Métis interviewed
2 in that region and that none of that information belongs
3 to SRC. It's an intellectual property issue and all that
4 information belongs to the elders and the community.

5 And hire Métis locally, this will empower
6 the community, and finally uphold the honour of the Crown
7 to consult and accommodate impacted Aboriginal groups. In
8 this instance the most impacted group in these projects
9 are the Métis.

10 And for the record, the honour of the
11 Crown, with respect to these two projects are not being
12 upheld as far as I'm concerned, based on my observations
13 and what's happening at the ground level, and from
14 conversations from our people in Uranium City.

15 So I thank you, Mr. Chair. Feliz Navidad;
16 Merry Christmas.

17 And I'm open for questions.

18 **THE CHAIRMAN:** Thank you very much.

19 Stick around. There may be some questions
20 coming around here. I'd like to open the floor now for
21 some questions.

22 I'd just like to remind -- to let you know,
23 I should I have said before, that we have also Mr. George
24 Bihun from Saskatchewan, Ministry of Environment -- I
25 don't know if I pronounced the name properly -- and a Tom

1 Calvert, an officer from NRCAN. So they're all available
2 to Commissioners hopefully for replying to questions.

3 And starting the questioning round, let me
4 start with Dr. McDill.

5 **MEMBER McDILL:** Thank you.

6 I wonder if I could ask SRC to comment on
7 the normal wages in the area in question and the concerns
8 of MNS -- sorry, can you not hear me? I see the MNS
9 representative cupping his ear. Can you hear me? Thank
10 you. And then staff also, please.

11 **MR. MULDOON:** Joe Muldoon, for the record.

12 The person that we hired locally up at
13 Uranium City was the vice-president of the Métis Local.
14 We looked in terms of taking us to and from site,
15 providing services around the community. We reviewed what
16 we would pay standard in terms of the dollars that we
17 would pay for those kinds of services, and had our Human
18 Resources do that. This wasn't something that we did. We
19 have a human resource group within SRC. We have about 360
20 employees there.

21 And they went through, and when they review
22 they look out across the market as well, they just don't
23 look within SRC, they go out to the market and look.
24 Anybody that we hire, those are the kinds of reviews that
25 are done. And felt that \$20 an hour was an appropriate

1 wage.

2 When the vehicles, either boats or trucks
3 were used, mileage was paid. We also put gas in those
4 vehicles as well. So we really did try and ensure that we
5 were fair in terms of how we dealt with the situation.

6 So we certainly feel that if we hired
7 anybody up in that area -- I mean we look at what the
8 skills are in terms of what we need for skills in terms of
9 what the job dictates and then, based on that, then we go
10 out and look at the market.

11 And then we did -- certainly up in this
12 area we tried to ensure that we were being as fair as we
13 could be. It's something that we can certainly review,
14 but we felt that we were being fair. And it was not
15 something that was raised any time during our period there
16 by anybody. And we certainly would have been able to
17 review but, again, we have to try and follow the market,
18 but we would certainly review if necessary.

19 **MEMBER MCDILL:** Staff please.

20 **MR. ELDER:** I don't think we have anything
21 to add. It's really a contractual issue between SRC and
22 someone who agreed to work with them. So we don't
23 regulate how they pay their workers, frankly.

24 **MEMBER MCDILL:** But -- okay, I'll go back
25 to SRC then. Give me some examples of -- or maybe we

1 would go out and talk to -- or that company would go out
2 and hire who they need to hire to ensure that they collect
3 the appropriate traditional knowledge from both First
4 Nations Métis and others that are germane to collecting
5 the type of information that's going to be required here
6 to fulfil that need. And so the plan is to start that
7 more formally in the new year.

8 There's been no traditional knowledge
9 collected or recorded in any way, shape or form to this
10 point.

11 **THE CHAIRMAN:** Dr. McDill?

12 **MEMBER MCDILL:** Maybe I can direct the same
13 question then back to the MNS.

14 **MR. DOUCETTE:** Go ahead and then I'll make
15 a ---

16 **MR. RACINE:** What was the question?

17 **MR. DOUCETTE:** What was the question,
18 Commissioner McDill?

19 **MEMBER MCDILL:** I guess the question
20 revolved around what is a normal wage in the Uranium City
21 for tasks of the kinds that we're referring to?

22 **MR. RACINE:** It's Doug Racine, for the
23 record.

24 I spoke with the President of Uranium City
25 actually last night and we spoke at length about that.

1 They said that up there the type of work that is being
2 asked, that the very minimum should be \$30 an hour.

3 There was also significant discussion about
4 the special skill sets that it takes to take a motor boat
5 across the bay and that \$30 an hour was based on the fact
6 that the Métis can transport people across that bay very
7 safely. And I know that safety is a big important part of
8 the CLEANS Project and I think that had we been consulted
9 more thoroughly that the \$30 an hour would have been
10 available.

11 I mean, what's happening right now is that
12 with the \$20 an hour, the fact that they can only claim 43
13 cents a kilometre, it appears to the Métis Nation
14 Saskatchewan Head Office and certainly myself that the
15 Uranium City Métis Local right now is subsidizing the
16 clean-up.

17 **MEMBER McDILL:** Thank you.

18 It's probably beyond the mandate of the
19 Commission to settle wage disputes but I thought it was
20 worth talking about.

21 My next question is to staff with respect
22 to evidence of people going into the various buildings and
23 that sort of thing. Is there anything more that can be
24 done? And I guess SRC to follow up. If people are
25 stealing asbestos sheet it's concerning.

1 **MR. DAVID:** Claude David, for the record.

2 Most of what was salvageable has been
3 pretty much removed. What remains, however, is -- I'll
4 give an example -- a two-storey structure where you can
5 see right inside the building and the second floor is
6 being held up with two two-by-fours nailed together.

7 There's always the possibility that
8 somebody might want something from that particular
9 structure but it's difficult to tell.

10 The attraction, I think is -- are the
11 building materials that remain there.

12 **MEMBER MCDILL:** I was thinking also though
13 of people putting boats inside buildings and that sort of
14 thing.

15 **MR. DAVID:** Claude David, for the record.

16 That particular incident was noticed when
17 staff was conducting the site visit, accompanying
18 provincial officials on their inspection.

19 The Saskatchewan Ministry of Labour came in
20 shortly afterwards, issued the notices of contravention
21 and as of -- I believe it was a few days afterwards the
22 Ministry went back and verified and the owner of that
23 equipment had, in fact, removed almost everything within
24 the warehouse.

25 The Ministry of Labour official met

1 directly with the owner who owned the equipment and his
2 employees and received a verbal commitment that they would
3 no longer use that facility for storage and maintenance of
4 their heavy equipment.

5 **MEMBER McDILL:** SRC?

6 **MR. MULDOON:** Joe Muldoon, for the record.

7 As I mentioned in my presentation we
8 certainly are concerned, from a public safety side,
9 probably the biggest hazard from a public safety is the
10 buildings.

11 They are -- they are removed -- removed
12 from the actual production site, from where the level of
13 contamination is -- most of the contamination is found.

14 The biggest issue over in those areas is
15 around the asbestos. But again, the asbestos is in the
16 shingles and so on, so it's fairly contained. But we are
17 concerned.

18 As we go out and we consult more and more
19 people -- not that they're not aware of it but they're
20 kind of almost being reminded of it I guess, to a certain
21 degree, so we do worry about more people coming onsite as
22 we increase our activities there.

23 We've done everything, we're being very
24 diligent in terms of our monitoring, we do go around and
25 ensure that the buildings are -- any enclosures that we

1 can block, we block those and the signage and so on.
2 We've been very diligent in keeping that in the fore.

3 The reason, I guess, for my comment is that
4 number one I wanted to put on the record and number two is
5 that we are very anxious to begin work and if we can start
6 work over in that area sooner than later then we would
7 certainly be willing to do that.

8 **MEMBER McDILL:** Thank you, Mr. Chair.

9 **THE CHAIRMAN:** Thank you.

10 Dr. Barnes?

11 **MEMBER BARNES:** And what's holding you up
12 starting this work?

13 **MR. MULDOON:** Joe Muldoon, for the record.

14 Because the entire site falls under the
15 environmental assessment licensing and so on, we can't
16 begin anything until we have all those -- until we have
17 all the approvals in place.

18 Our interest is in finding efficiencies,
19 helping -- helping the process along in terms of finding
20 efficiencies. Twenty-two (22) months to get the project-
21 specific guidelines, we feel is too long and we're
22 concerned that with the timeframes in terms of exemption
23 as well, if we just miss -- you know -- we miss a couple
24 of months, for us, well it might not seem as a problem and
25 in most areas it isn't.

1 five-year exemption. We provided timeframes and CNSC
2 staff, we've had great cooperation and continue to work
3 well with them.

4 If we keep everything exactly online -- we
5 is the collective "we." I mean there's parties outside
6 this room that also -- CEAA and others that, you know,
7 have impact with respect to the timeframes.

8 What I worry about is that we'll get very
9 close to that deadline, something goes amiss and this is a
10 very major project with very, very complicated fixes in
11 terms of putting the remediation plan together that in
12 that -- we'll get into that final year and we will have to
13 put ourselves back in front of the Commission and say
14 "Sorry, we're unable to do it."

15 I would -- and it takes a lot of work,
16 there's a lot of time, effort, and money. While I love
17 coming to Ottawa I'd rather come for other reasons.

18 **MEMBER BARNES:** Right.

19 **MR. MULDOON:** So I do worry that if there's
20 any delays at all that we won't be able to meet
21 everybody's needs and things that we can't control.
22 Things we can control I can guarantee you, we'll meet our
23 deadlines. But that's the issue.

24 **MEMBER BARNES:** On something that you can't
25 control, as I understand it, you set up a Project Review

1 Committee that held its first meeting on the 25th of
2 September 2008 and was going to have a second meeting on
3 the 9th of March 2009 and that was postponed and your
4 report suggests that you will hold another meeting "in the
5 near future."

6 Could you explain why having set up a
7 Project Review Committee you only had one meeting and that
8 way back over a year ago?

9 **MR. MULDOON:** Joe Muldoon, for the record.

10 We have had significant challenges in
11 bringing the parties together. We've tried numerous --
12 we've cancelled two -- on two occasions we've cancelled
13 meetings, we've asked, we've wanted -- we wanted a meeting
14 this fall. We were unable -- the Chiefs are very busy and
15 the community leaders are very busy and we've put out
16 notices and have been unable to bring the group together.

17 So what we've done is go out -- we had a
18 joint meeting with Cameco and the Environmental Quality
19 Committee in the fall, in October, I think it was October
20 8th.

21 So we're trying to combine some of the
22 sessions so we can still reach out to the public but in a
23 different -- and the stakeholders -- in the different
24 fashion.

25 It's been very challenging for us to bring

1 the PRC together for a whole bunch of reasons. Certainly
2 -- the next one we're trying to bring, we're going to try
3 and set up in Saskatoon and see -- we'll fly everybody
4 down to Saskatoon to see if we can't get the group
5 together and that's our next try.

6 But we have -- we have tried to bring the
7 group together on at least two or three occasions and
8 we've just been unable to.

9 **MEMBER BARNES:** As is opposed to flying
10 everyone up to Uranium City for example?

11 **MR. MULDOON:** We've tried -- we tried that
12 as well and in some cases it works and in some cases it
13 doesn't. Sometimes -- the last several occasions have
14 been we'll fly everybody into Uranium City and/or Fond-du-
15 Lac and/or Stony, wherever we can get the meetings,
16 wherever we think we can -- and sometimes if there's a
17 separate meeting set there we'll try and hook on to that
18 and we can get all the leadership together. But it has
19 been challenging.

20 We thought now we might try Saskatoon.
21 Again, if the -- whatever PRC prefers we will go, and have
22 tried to go wherever they want us to meet. We're more
23 than happy to comply, it's just very difficult to bring
24 them together.

25 **MEMBER BARNES:** I think we understand that.

1 Cameco has been before us on numerous occasions and has
2 shown us photographs of meetings in the North and Uranium
3 City, of meetings with First Nations and Métis groups and
4 so on.

5 You said that you were not collecting
6 traditional knowledge and I guess if you don't meet this
7 certainly won't guarantee of not collecting traditional
8 knowledge. So I would find that unacceptable for 16
9 months, not being able to arrange a second meeting.

10 Sometimes you can't get everyone at a
11 meeting but to have no meeting over that period of time
12 for something that you call a major project and needing or
13 wanting the input from local community, I just personally
14 don't understand it.

15 Maybe MNS might wish to comment? What
16 advice would you give to SRC in order to pull people
17 together, say in Uranium City, is there a good -- good
18 interval time, are the mechanisms of communication in
19 place?

20 **MR. RACINE:** It's Doug Racine, for the
21 Métis Nation of Saskatchewan.

22 The indication I get from the -- from the
23 president of the Local, Russell Powder is that he
24 currently works for Cameco, he's two weeks in, two weeks
25 out, and he's available at any time to meet with the

1 Saskatchewan Research Council.

2 In reference to the busy-ness of the Bands
3 on the Athabasca, that indeed could be true but if it's
4 not possible for them to pull the provincial -- this
5 committee together the MNS leadership is ready to meet
6 just about any time that the SRC asks us.

7 I mean, the SRC has never asked us to meet
8 with them, that I know of and except for we do have one
9 meeting coming up.

10 After we filed our intervention, we were
11 contacted by the Saskatchewan Research Council and we have
12 a meeting for December 16th. But I do know that the Métis
13 local is -- at Uranium City has been and will be always
14 ready to meet subject to the President, two weeks in two
15 weeks out, with Cameco.

16 **MEMBER BARNES:** Okay, thank you.

17 I have a number of questions that really
18 dealt with issues at Gunnar and Lorado but I think, in a
19 sense, it's almost inappropriate for this kind of hearing
20 until the EA is in.

21 But one final question, because you did
22 indicate -- I was in the staff's Appendix C signage there
23 which was just in English, again, is this appropriate to
24 SRC and staff just to have signage in English?

25 **MR. MULDOON:** Joe Muldoon, for the record.

1 Those signs are also in Dene.

2 **MEMBER BARNES:** Are they? Okay, thank you.

3 **MR. MULDOON:** If I could just comment a
4 little bit on the -- the MNS has been very good in terms
5 of we do have a meeting set up with them next week. We
6 have been -- we've been in touch through the fall trying
7 to set some times up and we did actually try and get a
8 hold of them in front of the intervention.

9 But again, the MNS has been very good in
10 terms of making themselves available. The other members
11 of the PRC, it's been a little more challenging.

12 If I can just review September 25th, 2008,
13 we did have the PRC meeting in Stony. November 13th, 2008
14 we had a public meeting in Uranium City. December 10th,
15 2008 we had a request for proposal information sessions in
16 Uranium City and Stony Rapids.

17 **MEMBER BARNES:** But this is not the review
18 committee. This is another project review committee.
19 This is a part of your planning process, right?

20 **MR. MULDOON:** You're correct.

21 The PRC, when we can't get them together,
22 what we've tried to do is ensure that we do -- we've been
23 in the communities are meeting -- we met in March 9th, May
24 6th and October 7th in the communities.

25 The PRC -- their expectation coming in

1 originally, my understanding was that they would have
2 final decision making on who would get the contracts and
3 how the money would be spent for the project.

4 In our very first PRC meeting it was clear
5 that that decision making for the actual project
6 management wouldn't fall with the PRC and the interest has
7 been very difficult to maintain.

8 **THE CHAIRMAN:** Thank you.

9 Mr. Graham?

10 **MEMBER GRAHAM:** Just a couple of questions.
11 First of all, did I gather that you said you hired outside
12 consultants to work to gather knowledge or -- have you
13 hired outside consultants?

14 **MR. MULDOON:** Joe Muldoon, for the record.

15 AECOM is the consulting company that's
16 fulfilling the -- collecting the information for the
17 environmental assessment process.

18 Part of that process is traditional
19 knowledge and AECOM had subcontracted to a firm and the
20 lead person from that firm is a member of the Fond-du-Lac
21 First Nation and she is the person that will be starting
22 the collection of that traditional knowledge and in
23 working with the people that have that traditional
24 knowledge in the communities.

25 **MEMBER GRAHAM:** Instead of hiring AECOM,

1 and I have no idea who they are, was there no group of
2 indigenous peoples or so on that you could have hired
3 directly as a consultant to do this work?

4 **MR. MULDOON:** Joe Muldoon, for the record.

5 AECOM is the company that's doing the
6 complete environmental assessment process. It was put out
7 in a tender arrangement and there was a number of
8 companies that bid on the contract and they were the ones
9 that were selected based on the criteria.

10 **MEMBER GRAHAM:** But you've also heard Mr.
11 Doucette's concern that the person at AECOM has hired in
12 Uranium City is really not someone with the ability to
13 gather indigenous knowledge or traditional knowledge. Is
14 that correct?

15 **MR. MULDOON:** Joe Muldoon, for the record.

16 I'll let Aaron...

17 **MR. MacDONELL:** AECOM was contracted by the
18 Saskatchewan Research Council and they're that contract
19 the subcontract was granted to Albert & Associates, Kunie
20 Albert is a standing member of Fond-du-Lac First Nations
21 and has extensive experience gathering traditional
22 knowledge.

23 It's important to note that traditional
24 knowledge is gathered through the assistance of Elders and
25 local people with that knowledge. All Kunie does is

1 collect it and we try and interpret it into -- integrate
2 into the scientific knowledge.

3 The first part of this process is to sit
4 down with the Chiefs of the region as well as the Métis
5 Nation and determine which is the best way to do this.

6 And often -- well, the Athabasca Region or
7 the PAGC does have trained individuals in the interviewing
8 process which -- it is an interview process to collect the
9 knowledge.

10 We plan on using those individuals, as well
11 as any individuals that the MNS has available to collect
12 that data. And that was the reason for the October 28th
13 letter to determine how we can effectively proceed with
14 the traditional knowledge studies.

15 On top of that, we need to proceed with the
16 intellectual property and confidentiality agreements
17 between both the Elders and the leadership.

18 As well as we do understand that the wages
19 of an Elder would be considered a consultant type of fee
20 and not an hourly wage and we recognize that the costs
21 that the Métis Nation have put forward are something that
22 we'll focus on.

23 **MEMBER GRAHAM:** It will involve the Métis
24 Nations also?

25 **MR. MacDONELL:** Absolutely.

1 **MEMBER GRAHAM:** I guess what my concern is
2 is this has taken an tremendous long time and I don't want
3 to see you back in three or four or five years looking for
4 another extension because you haven't got things done and
5 because the consultation process hasn't gone well enough.

6 I think the onus is now on the Saskatchewan
7 Research Council to make sure that the sufficient
8 knowledge is obtained and that the native and indigenous
9 peoples communities up there are satisfied that you have
10 done the job properly and I think that's the major concern
11 that we hear today. That's an observation, but I think
12 it's a valid one.

13 Mr. Chair, just one other question there.
14 A couple other questions I have; on the Lorado, the
15 licence when it will be issued -- in 2012 if everything
16 goes well -- would be to EnCana West Limited; is that
17 correct?

18 **MR. HOWARD:** Don Howard, for the record.

19 The Lorado licence will be issued to the
20 Saskatchewan Research Council.

21 **MEMBER GRAHAM:** It will be? Even though
22 EnCana West have come and accepted some type of
23 responsibility? It would still be done to the -- the
24 licence would be issued to Saskatchewan Research; is that
25 correct?

1 **MR. HOWARD:** That's correct.

2 Our understanding is that there was an
3 agreement between EnCana and the province, I guess
4 releasing EnCana and the province assuming responsibility
5 for the site and their agent, which is the SRC will be the
6 licensee for that site.

7 **MEMBER GRAHAM:** In the overheads that
8 you've presented, you have December 2012 the licence would
9 be issued for Lorado, but on the Gunnar one you said the
10 licensing hearing. When would you look to have a licence
11 issued for Gunnar?

12 **MR. HOWARD:** Don Howard, for the record.

13 The Gunnar site, because it's a Class 1
14 facility, we were anticipating, depending on a lot of
15 factors, including the submission of the environmental
16 impact assessment from SRC, is that we would be in a
17 position to go to the Commission for the Gunnar site in
18 April 2012.

19 With the Lorado project, it's lagging
20 behind Gunnar because we just started with the guidelines
21 and for the Lorado site and that would be a waste nuclear
22 substance licence as opposed to a Class 1 facility and we
23 would follow the normal licensing process for that type of
24 facility.

25 **MEMBER GRAHAM:** And the only other question

1 I have is the funding, once all the regulatory
2 requirements are obtained, the funding is in place then to
3 do the cleanups because we don't have financial guarantees
4 or anything else.

5 Is this one of the ones where the federal
6 government has agreed to do the cleanup or the Province of
7 Saskatchewan? Will the funding be in place then or will
8 there be another set of hurdles?

9 **MR. ELDER:** There is -- Peter Elder, for
10 the record.

11 There is an agreement on cost sharing
12 between the Province of Saskatchewan and the federal
13 government. I believe it certainly is enough to start the
14 work. I think it's a question you should ask them in
15 terms of what happens.

16 Our concern is what happens if it's not
17 enough to finish the work. I think there would be a need
18 to, you know -- I mean, they've recognized the need to do
19 it. How they would do cost -- I'm not sure how they'd do
20 the cost-sharing in the long term.

21 **MEMBER GRAHAM:** Is that a question for
22 today or for when the licence is issued? I guess that's
23 my question. I don't want to jump. I don't want to get
24 into an area where maybe it's irrelevant at the present
25 time, but should that be asked now in view of the fact

1 that we don't have financial guarantees or anything?

2 **MR. ELDER:** My view is they -- certainly,
3 SRC has been getting enough resources to get them well
4 into licensing phase and it's a question that certainly
5 should be answered, if not today then at the licensing
6 phase.

7 **THE CHAIRMAN:** Wait a second, wait a
8 second.

9 The scope and the ability of the EA to
10 determine what remediation you can actually do is a
11 function of how much money is on the table, not some
12 theoretical construct.

13 So what I want to know is, is there a
14 number that both government -- is there a known, publicly
15 known number, that both governments have committed to
16 clean up those two facilities?

17 Is there anybody from NRCan or from the
18 Ministry of Environment wish to say something about that?

19 **MR. CALVERT:** Yeah, Tom Calvert, for the
20 record. I'm advisor with the Uranium Radioactive Waste
21 Division of Natural Resources Canada.

22 We do have a Memorandum of Agreement with
23 Saskatchewan in which the original estimate for the work
24 is \$24.6 million. But we do also recognize in there that
25 if there is an increase in the cost estimate, we will

1 basically go back to the table and discuss the issue.

2 So there is a recognition that we are cost-
3 sharing the project and that we do have a commitment to
4 discuss further if, in fact, the costs are going to be
5 more than estimated. I mean, obviously, we're not at the
6 point where we know what the remediation options are going
7 to be or which ones are going to be chosen.

8 So it's early for us to know what the costs
9 will be, but certainly there is that commitment there in
10 our MOA that we will open up discussions again if that
11 does look like it's a problem.

12 **THE CHAIRMAN:** Thank you for this. It is
13 very useful because you know the ballpark -- you know it's
14 not going to be 250 million so it just gives, in terms of
15 planning of the EA, sort of parameters to how you do this.

16 Okay, I'm conscious of the time here, so
17 Monsieur Harvey?

18 **MEMBER HARVEY:** Question to the staff.

19 Is there any other option for the
20 Commission but to extend the exemption? Could there be
21 other options of a path forward that could help to get to
22 the point on the faster track; something like that?

23 **MR. HOWARD:** Don Howard, for the record.

24 Under the *Nuclear Safety and Control Act*,
25 an order can be issued to SRC to proceed with the work.

1 That is an option that is available.

2 **MEMBER HARVEY:** If such an option would be
3 taken, will the EA be an obligation or the work could be
4 undertaken without the EA?

5 **MR. ELDER:** This is a point that we would
6 have to confirm with out legal counsel, but I believe that
7 our understanding is that if we felt there was immediate
8 health and safety concern that it could be done without an
9 environmental assessment.

10 The only one I would to add to that is
11 we've had some experience with orders to do clean-ups. I
12 think you will remember from -- in Saskatoon and Viterra,
13 and you still need to have enough information on the
14 licensing part to make sure that they can do whatever work
15 they have to do safely.

16 So then the sase (phonetic) of this case we
17 do not have -- if we were sitting here with environmental
18 protection programs already developed and felt they were
19 adequate, I think it would be a more feasible option.

20 That said, it is -- every time we do an
21 inspection on that one, it is one of our considerations
22 when we look in the inspection results. Is there a hazard
23 there that we really feel has to be dealt with right away?
24 And so it is something that we consider every time we go
25 up to the site and look at what's there.

1 We also look at the responses from the
2 provincial authorities who are actually regulating the
3 site right now. So in the past, as Mr. David said, those
4 evidence of people using the site for storing in the
5 buildings. The fact that Saskatchewan labour was able to
6 step in and very quickly deal with the problem was one of
7 our considerations on whether it was a situation that we
8 felt warranted an order on our part.

9 But I'm just saying, the option is there
10 and it's something that we continually review, whether we
11 should be using that option or not.

12 **THE CHAIRMAN:** Well, there is something
13 inconsistent here. We just heard about the second floor
14 hanging by a two-by-four. We just heard that they are,
15 you know, handicapped in terms of doing anything about
16 this. If you thought it a health issue, why don't you go
17 and say, somebody yank the second floor down? Just
18 flatten it if it's a safety issue.

19 I haven't been in this site so I don't
20 know. I have to rely on your observation. Why don't we
21 do those straightforward health issues that has nothing to
22 do with environmental assessment?

23 **MEMBER HARVEY:** My second question was,
24 because I was trying to conciliate the short-term impact
25 and long-term impact because you're saying that you were

1 concerned with long-term impacts but you are not short-
2 term impacts the time before -- from now to the end of the
3 work.

4 So I was trying to find -- because all
5 those building are for me a major part of the major
6 impacts that are presently on the site.

7 **THE CHAIRMAN:** What's the answer? Can we
8 do it or can we not do it?

9 **MR. HOWARD:** Don Howard, for the record.

10 I think we've been looking at the
11 possibility. And, again, as Mr. Elder said, we'd have to
12 discuss this with out legal counsel, but we were also
13 looking at the possibility of a limited order to do the
14 buildings alone. So we'd take care of the physical hazard
15 right away.

16 Having said that, again, we would have to
17 ensure that in consultation with our EA specialist, that
18 if the scope of the EA includes those buildings -- so we
19 have to make sure that we discuss that with our EA
20 specialist and our legal advisors to give an order just
21 for the buildings themselves.

22 Having said that, in order to take the
23 buildings down, we would want SRC to look at doing a
24 radiation survey of the buildings, have a clean-up
25 criteria in case they find hot spots. They can segregate

1 the waste and just bring the buildings down and that way
2 there it will be -- I guess the immediate physical hazards
3 would be removed from that point.

4 **MEMBER HARVEY:** Thank you.

5 **THE CHAIRMAN:** And just too for
6 clarification. Isn't it true -- just tell me and we'll
7 consult with lawyers, I guess, later on. Isn't it true
8 that health issues are sort of the most priority and
9 pressing issues that would allow us to trump any
10 environmental concern?

11 **MR. ELDER:** We have the powers, appropriate
12 powers, that if we see an immediate health and safety
13 concern, to have it done, yes.

14 **THE CHAIRMAN:** Dr. Barriault?

15 **MEMBER BARRIAULT:** Mr. Chairman.

16 From my background in occupational health,
17 I will tell you that this is a horror show. It really is.

18 You've got loose asbestos everywhere.
19 You've got it around your pipes. You've got it around
20 your stack. I would not go on that site without
21 respiratory protection myself. That's number one.

22 Number two, you've got PCP ballasts in your
23 fluorescent lights. Now I know one ballast is not a big
24 thing, but you take one of those home and you decide to
25 take the wires out of there to make rabbit snares or

1 whatever and you burn it, you're creating furans and
2 dioxins which are carcinogens.

3 So I would suggest that you get somebody
4 from occupational health and safety in there to assess
5 this site ASAP; I really would.

6 That's all, Mr. Chairman.

7 **THE CHAIRMAN:** We do have from the
8 Saskatchewan government, we have -- let me see if I forgot
9 who is there from the Ministry of the Environment.

10 Mr. Bihun. Am I pronouncing the name
11 right?

12 **MR. BIHUN:** Yeah, you are. Pretty close.

13 **THE CHAIRMAN:** So what's -- any comment
14 you'd like? You're from the Ministry of Environment. Any
15 comment you'd like to make about what you're hearing here?

16 **MR. BIHUN:** I heard a lot of the issues
17 concerning the buildings. They're a concern to us but in
18 trying to put it into scale, ripping down one building or
19 immediate hazards is not a big deal if we wish to do it.
20 Because of the asbestos there, it creates a problem of
21 going in and destroying a bunch of the buildings without
22 -- you know, if we rip them down say this summer, is that
23 the final resting place for that material or do we have to
24 do it -- you know, we eventually have to move it to
25 another spot. So we probably, on our hand, don't want

1 people to do this twice, exposing workers unnecessarily.

2 Some of the buildings they are getting
3 ripped down over time because people are looking for the
4 good material, the plywood and the fir and that. We would
5 hopefully through education and keeping people off the
6 site as best we can, our labour guys -- one of the
7 problems we had was workers with lodges so our labour
8 inspectors were able to -- because they were employees of
9 an employer, they were able to warn the employer to do it.

10 We still have issues with some private
11 individuals that go on there from time to time, which best
12 -- we try to get them out of there. I know people want to
13 do short-term stuff quickly. Logistically it's probably
14 easier to go in in two years and do it all at once in a
15 planned method. If we start to rip down -- you see the
16 picture of the building, the bunkhouse. That could
17 probably be easily torn down but it creates issues of
18 asbestos around it. Are we making more of a mess? Are we
19 making piles there that, you know, we have to clean up
20 later?

21 So our approach, we're preferring to watch
22 it. If there's immediate issues, yeah, we can look at
23 addressing them and it doesn't require any approval from
24 our concern's the EA. If there's a safety issue, an
25 environment issue, we will deal with it. We don't need

1 any special regulations to deal with it.

2 But there's a lot more complicated -- I
3 understand the picture and to put it into context, you're
4 looking at the picture from a distance. If you go to the
5 town of Uranium City, which is 15 miles away, there are
6 people there living in houses and buildings around them
7 that are in just as bad a shape as Gunnar, minus in some
8 cases a little asbestos.

9 So looking at those hazards versus the
10 hazards in Uranium City and talking to local people, you
11 know, it's kind of hard to worry about a building that's
12 15 miles away when there's one you're living right next
13 door to.

14 I was trying to say, well, if there's an
15 immediate thing we could do -- but I think we'd prefer if
16 there's a solid plan. Do it in -- do it once, again
17 limiting exposure to workers in some of these cases. If
18 there's issues around sites we can look at doing short-
19 term things. It's not a big issue from our end.

20 **THE CHAIRMAN:** Thank you.

21 Dr. Barriault?

22 **MEMBER BARRIAULT:** If this building was
23 downtown Saskatoon would you leave it standing the way it
24 is or would you have a security perimeter established
25 around it ASAP?

1 **THE CHAIRMAN:** I think ---

2 **MEMBER BARRIAULT:** I'm sorry.

3 I said if this building was in downtown
4 Saskatoon would you leave it standing or would you have a
5 security perimeter put around that ASAP?

6 **MR. BIHUN:** This is George Bihun.

7 Are you talking to me?

8 **MEMBER BARRIAULT:** I'm sorry. For the
9 record, this is Dr. Barriault.

10 I was saying if this building or these
11 buildings were downtown Saskatoon would you establish a
12 security perimeter around those buildings as soon as
13 possible?

14 **MR. BIHUN:** George Bihun, if you're asking
15 me, for the record.

16 You would do it where -- yes, if you're in
17 close to areas where there are people. In the case of
18 Gunnar we could put a fence around it. But we've used
19 signage.

20 In the case of Lorado mill years ago when
21 it was -- when we had concerns about the building we did
22 rip it down because it was easily accessible.

23 Gunnar, you're right in what you're saying
24 but securing that site that large, short of signage --
25 things have been done for the last few years on it and it

1 seemed no matter what you did, people either broke welds
2 on doors or got in. There's a certain element that are
3 going to get into stuff.

4 **MEMBER BARRIAULT:** Thank you very much.
5 Appreciate it.

6 **THE CHAIRMAN:** Thank you.

7 I think we -- anybody has any other kind of
8 thing?

9 Thank you very much for everybody in this
10 hearing and I think that this -- what are we doing?

11 **MR. LEBLANC:** Yeah, this brings to an end
12 the ---

13 **THE CHAIRMAN:** Okay, this brings to an end
14 the public hearing and we will break now and come back for
15 some -- it's in-camera meeting, right?

16 **MR. LEBLANC:** No, it's here but in seven
17 minutes.

18 **THE CHAIRMAN:** In seven minutes -- 10
19 minutes. Thank you very much.

20 --- Upon recessing at 3:13 p.m./

21 L'audience est suspendue à 15h13