

1 **HEARING DAY 2**2 **Cameco Corporation: Application for a licence to**
3 **operate the McArthur River Operation**

4 The first day of the public
5 hearing on this application was August 9th. The
6 public was invited to participate either by oral
7 presentation or written submission on Hearing Day
8 Two. September 4th was the deadline set for
9 filing by intervenors. The Notice of Public
10 Hearing 2001-H10 was published on June 4, 2001.

11 Commission Members present for Day
12 One of the hearing included: Mr. Graham, Dr.
13 Giroux, Dr. Barnes and myself. Ms MacLachlan was
14 absent. As Ms MacLachlan was absent, she will be
15 participating in the question period today but she
16 will not be participating in the decision.

17 Presentations were made on Day One
18 by both the applicant, Cameco Corporation, under
19 CMD's 01-H21.1, 01-H21.1A and by Commission staff
20 under CMD 01-H21. I note that the staff of the
21 Commission will present supplementary information
22 under Document 01-H21.A.

23 I would like, though, to start
24 with Cameco Corporation. I understand that Cameco
25 has not provided supplementary information and has

1 not requested time to make an oral presentation on
2 the McArthur River Operation. But in attendance
3 to respond to questions as per Rule 18.3 are
4 representatives of the applicant.

5 Just to clarify and to confirm
6 with the applicant that they do not wish to make
7 an oral presentation. Is that correct?

8 MR. CHAD: That is correct,
9 Madam Chair.

10 THE CHAIRPERSON: We will then
11 move to the staff, to Mr. Pereira and it's
12 outlined in CMD 01-H21.A, the Commission staff
13 presentation.

14 Mr. Pereira.

15

16 **01-H21.A**

17 **Oral presentation by CNSC staff**

18 MR. PEREIRA: Thank you,
19 Madam Chair.

20 For the record my name is Ken
21 Pereira.

22 The Cameco Corporation has applied
23 for a uranium mine operating licence for the
24 McArthur River Operation. The McArthur River
25 Operation is a new high-grade ore underground

1 mine. CNSC staff has assessed the performance of
2 the facility as being acceptable. Information on
3 assessment along with CNSC staff's recommendation
4 is documented in CMD 01-H21. Staff recommended a
5 28-month term for this licence.

6 At the request of the Commission,
7 supplemental information has been provided in
8 CMD 01-H21.A on the general form of Environmental
9 Monitoring Programs at uranium mines. Some of the
10 specifics of the McArthur River Operation's
11 Environmental Monitoring Program are provided in
12 the CMD to demonstrate the principles.

13 CNSC staff is available to provide
14 any further clarification the Commission may
15 require on the basis for our recommendation for
16 renewal of the licence of the McArthur River
17 mining facility.

18 THE CHAIRPERSON: Thank you.

19 I will now open the floor for
20 questions from Commission Members with regards to
21 the oral presentation by Commission staff or to
22 the applicant. Is there any question at this
23 time?

24 Ms MacLachlan.

25 MEMBER MacLACHLAN: Thank you.

1 I would refer to your written
2 document CMD 01-H21.A and on page 4 under
3 "Regulatory Limits and Controls." Because of the
4 publication of the revised metal mining effluent
5 regulations on July 28th, at the point in time
6 that this submission was written, you were only
7 able to conduct a preliminary review of the
8 licence to determine whether it required
9 modifications. Have you reached a conclusion yet?

10 MR. PEREIRA: Our review is still
11 in progress. I will ask Mr. McCabe to elaborate
12 on the progress we have made and how far we are
13 from making further changes.

14 MR. McCABE: Thanks. Rick McCabe.

15 Yes, we have compiled -- we have
16 reviewed the legislation. We have compiled some
17 comments with regard to that. We have submitted
18 them and they will be put in through the CNSC back
19 to Environment Canada indicating our position on
20 some of these.

21 We do not see a great change.
22 There is some possibility of changing in toxicity
23 testing, some radium numbers, some pH ranges may
24 change over what we have in our current licences.
25 But I indicated at the last session that we would

1 be looking at that. Once those regulations become
2 promulgated, we will look at that and then our
3 update our Appendix C to our licence to bring it
4 in compliance with that. But we are not making --
5 proposing any changes at this time.

6 MEMBER MacLACHLAN: Thank you.

7 THE CHAIRPERSON: Dr. Barnes.

8 MEMBER BARNES: Just a question
9 that is contained in the conclusion, the first
10 paragraph of the conclusion of the staff report,
11 to quote:

12 "The aquatic biota monitoring
13 component of the program
14 includes: fish (three sample
15 locations), sediment (five
16 sample locations) and benthic
17 invertebrates (four sample
18 locations) which are
19 collected on a three-year
20 basis with the most recent
21 collection in the year 2000."

22 (As read)

23 Could you comment again as to the
24 robustness statistically of this limited amount of
25 sample locations and also the appropriateness of

1 collection on a three-year basis?

2 MR. PEREIRA: I will invite
3 Dr. Thompson to provide our comments.

4 DR. THOMPSON: In reviewing the
5 proposed program, what we have done is looked at
6 the -- in the Environmental Impact Statement there
7 was considerable modelling done to predict
8 sediment and water concentrations downstream from
9 the point of release of effluent. So we have
10 ensured in selecting the monitoring stations that
11 the monitoring stations would be located in the
12 near-field as well as some further afield from the
13 point of discharge.

14 The predictions in terms of
15 changes in sediment quality are that sediment
16 quality will change over a longer period of time.
17 So that having a three-year cycle is sufficient to
18 detect changes that will be happening slowly over
19 time.

20 In preparing the program the
21 licensee did an extensive baseline study where
22 they looked at the statistical robustness of the
23 sampling program, and the requirement in the
24 Environmental Effects Program is for a
25 statistically significant change in either -- for

1 benthic invertebrates it's the number of toxins on
2 total abundance and in sediment it's a
3 statistically significant change relative to a
4 reference or pre-operational levels.

5 So we are confident that the
6 information will be appropriate given that the
7 most sensitive environmental media will change
8 over a longer period of time.

9 In terms of water quality, which
10 responds more quickly to changes in effluent
11 quality, for example, the Water Monitoring Program
12 is part of the regular Environmental Monitoring
13 Program and is done on a very much more frequent
14 basis. In addition the Environmental Effects
15 Monitoring Program is designed to be able to
16 validate essentially that the controls are in
17 place before the effluent is released and if it
18 isn't, then the program would pick up changes that
19 are not expected so that we could then work back
20 on the effluent treatment system.

21 The program for the Environmental
22 Monitoring Program integrating the Environmental
23 Effects Monitoring Program essentially has
24 stations that are from 0.5 kilometres to
25 9 kilometres from the point of release. So we do

1 have a range of stations both near-field and
2 further afield.

3 THE CHAIRPERSON: Dr. Barnes.

4 MEMBER BARNES: Again, just to
5 come back to clarify it so I understand it
6 properly.

7 In the case of fish and benthic
8 invertebrates, do I understand that you are
9 sampling these each once every three years?

10 DR. THOMPSON: Yes.

11 MEMBER BARNES: Assuming that
12 there is a fair degree of variability, natural
13 variability in any system like this, I just don't
14 understand how you would be able to attribute
15 effects from the mine operations to something like
16 that without a limited degree of sampling. And
17 what kind of baseline studies do you have to
18 determine natural variability? Presumably this is
19 going to be at the same time each year but
20 separated by three years.

21 DR. THOMPSON: The program
22 essentially is based on information from the
23 baseline monitoring program. Before the operation
24 started, there was an extensive baseline
25 monitoring program. In reviewing the

1 Environmental Impact Statement, the Panel had also
2 requested that additional baseline information be
3 collected. This was done.

4 The information collected during
5 the baseline program was also analyzed
6 statistically to determine the power of the
7 sampling program. The power is sufficient to
8 detect the changes that we expect will occur over
9 time.

10 The program is also designed to,
11 in addition to having that baseline information,
12 there is information from reference stations that
13 are matched for the physical characteristics of
14 the station that are receiving the treated
15 effluent. So we have both baseline information,
16 pre-operational information as well as matched
17 control stations for the operation.

18 THE CHAIRPERSON: Dr. Barnes, I
19 think it might be suitable to ask the applicant if
20 they wish to add to that.

21 MEMBER BARNES: Yes.

22 MR. WITTRUP: Mark Wittrup.

23 Again, the natural variability is
24 generally covered off by having a good set of
25 reference stations that you can compare the data

1 to. When you were looking at the EEM monitoring
2 data you are looking at not only a difference
3 between the previous sampling period, you are also
4 looking at any changes in the reference station.
5 So theoretically the natural variability is
6 covered off by making those two comparisons.

7 I lost my train of thought. Just
8 give me a moment, please.

9 One of the problems with the basin
10 area is that it's not a very productive
11 environment in terms of biomass generated per any
12 unit area that you care to consider. And one of
13 our concerns which was expressed quite strongly in
14 the Panel hearings in the eco risk work that was
15 done, was that monitoring not be too frequent
16 because we believed that there was a greater
17 impact on the biota from the monitoring than from
18 the project emissions.

19 For instance, the three-year fish
20 sampling was of a sufficient level that in fact it
21 was impacting lakes on its own, and we are afraid
22 that we will see the same effect in any of the
23 other monitoring programs.

24 Now, in Key Lake to address this
25 issue we have gone to the small-bodied fish

1 programs at the three sites. We have also gone to
2 in Key Lake itself, a catch and release monitoring
3 program with tagged fish. I will leave it at
4 that.

5 Thank you.

6 THE CHAIRPERSON: Further
7 questions, Dr. Barnes? Further questions?

8 Mr. Graham.

9 MEMBER GRAHAM: I have to
10 apologize because sometimes I get some of these
11 applications mixed up. But I believe it was this
12 application on Day One that there had been a
13 relatively high accident rate with contractors --
14 is that right -- with regard to this application.

15 Could you maybe update the
16 Commission as to 2001 how your record is for this
17 year with regard to accidents?

18 MR. JARRELL: Mr. Graham, there
19 has been actually no contractor injuries at any of
20 the mine sites this year. However, in fairness I
21 would also point out that there has not been a lot
22 of development work at McArthur River either. But
23 generally it's a clean record this year so far.

24 MEMBER GRAHAM: The only other
25 question I would have then is, and I think I asked

1 it at Day One, union support, I realize they may
2 not be here but union representative and so on in
3 support of the application and so on, have you
4 anything to add to that for your unionized
5 employees?

6 MR. JARRELL: I can't really add
7 anything to it. I'm a little reluctant to talk on
8 their behalf obviously.

9 MEMBER GRAHAM: No. But I mean
10 they have not indicated they wanted to come and
11 appear with you or anything. There is no one here
12 from the union today, I guess, that is the first
13 question.

14 MR. JARRELL: That is correct.
15 Yes.

16 MEMBER GRAHAM: Okay. Thank you.

17
18 **01-H21.2/01-H21.2A**

19 **Written submissions from Maisie Shiell**

20 THE CHAIRPERSON: Thank you very
21 much.

22 We will now move to the written
23 submission by Mrs. Shiell as outlined in CMD
24 Documents 01-H21.2 and 01-H21.2A. The floor is
25 open for comments or questions from Commission

1 Members with regards to this written submission.

2 Ms MacLachlan.

3 MEMBER MacLACHLAN: In the first
4 paragraph of Mrs. Shiell's intervention, she
5 states:

6 "The Environmental Effects
7 Monitoring Program was not
8 agreed upon at that time and
9 now nearly two years later,
10 as I write ..." (As read)

11 And she writes effective August 17 2001:

12 "... is still not agreed upon
13"

14 I realize these are her words, but
15 I would like a comment from both the applicant and
16 staff as to what this might mean. Agreed upon by
17 whom and it sounds to me as though the program is
18 in effect and taking place. Is there any
19 background information here as to criteria that
20 may not have been agreed upon or certain elements
21 of the program.

22 MR. PEREIRA: I would ask
23 Mr. McCabe to provide some clarification.

24 MR. McCABE: Yes, Mrs. Shiell is
25 quite right that the Environmental Effects

1 Monitoring Programs are not in effect yet. Some
2 time ago at the Commission hearings we believed
3 that we could get these Environmental Effects
4 Monitoring Programs in place in a relatively short
5 period of time.

6 It became clear, once we got into
7 working on the details of these programs that
8 there was much scientific debate to be held over
9 the establishment of the trigger levels, and that
10 debate has been going on for a period of time.

11 We have over that period of time
12 met with Cameco and discussed these triggers and
13 have gone through this debate. We have gone
14 through many interpretations of the Environmental
15 Effects Monitoring Programs. We are up to
16 versions 3 and 4, or 4 and 5, something like that,
17 for the various sites. That is Key Lake, McArthur
18 and Rabbit.

19 Recently in September, the latter
20 part of this September we received the latest
21 revisions to the Environmental Effects Monitoring
22 Programs. Staff just got them so we have only
23 done a cursory review of the revisions.

24 Most of the major issues have been
25 addressed or I guess all of the major issues have

1 been addressed. There are some housekeeping and
2 format things that we have to have so that this
3 Environmental Effects Monitoring Program can be
4 incorporated into the Environmental Monitoring
5 Program so that the format is correct and those
6 kinds of things. We anticipate that this should
7 be done very shortly. But the programs are not
8 finalized as yet as we speak.

9 THE CHAIRPERSON: Ms MacLachlan, I
10 believe you asked for the applicant's view as well
11 so over to Cameco.

12 MR. WITTRUP: Mark Wittrup.

13 Yes, I guess that is fair to say
14 that the programs actually were in place from the
15 beginning in the sense that the majority of the
16 sampling was there. In fact, for McArthur River
17 the Environmental Effects Monitoring sample work
18 was done in the year 2000 and duly reported in the
19 2000 Annual Environmental Report.

20 But that said, we have had some
21 disagreements on a scientific basis and we have
22 been working it out in the cut and thrust of
23 debate with the staff. I believe that everything
24 is resolved now and we have revision 4 for both
25 Key Lake and McArthur River and revision 3 for

1 Rabbit Lake and I think that should do it.

2 Now, with respect to having
3 separate programs, we had originally been asked to
4 roll the Environmental Effects Monitoring Program
5 into our Environmental Monitoring Program for the
6 site and personally I was quite reluctant to do
7 that because we haven't seen the full
8 ramifications of the metal mining effluent
9 regulations. Until we see all of that, I am
10 somewhat reluctant to bring them together in a
11 unified program.

12 So as it stands we still have a
13 separate EEM program and an Environmental
14 Monitoring Program and I will leave it at that.

15 THE CHAIRPERSON: Further
16 questions?

17 MEMBER MacLACHLAN: Yes. I am
18 still not clear. I thought this comment referred
19 specifically to McArthur River and now we are
20 hearing that it affects the Environmental Effects
21 Monitoring Program for three of the mines.

22 I had understood from discussion
23 during the Rabbit Lake application that there was
24 a program in place, perhaps that was just sampling
25 and the time requirements for reporting. But I

1 hadn't understood that there hadn't been a
2 finalization of the program.

3 I guess I need to have a clearer
4 picture of -- you have probably stated it already
5 but I may have been in a bit of shock -- about
6 what it is that has been occurring in the absence
7 of agreement on specific details of the program
8 with respect to Environmental Effects Monitoring.

9 MR. PEREIRA: Thank you.

10 I will ask Mr. McCabe to
11 elaborate.

12 MR. McCABE: I appreciate the
13 confusion because of the terminology we have been
14 using and the frequency we use it in terms of
15 environmental monitoring.

16 What there is in place is an
17 Environmental Monitoring Program and Environmental
18 Effects Monitoring is a portion of that program;
19 it's the last stage. There is, as indicated, in
20 the CMD that we just presented with regard to
21 McArthur River, it gives you some indication of
22 the frequency of the sampling that is going on and
23 each of the mines has their own program. This is
24 done in conjunction with the Province of
25 Saskatchewan Environmental Resource Management

1 Section.

2 These programs that have been
3 implemented are revised on an annual basis. The
4 portion that is not, is that latter portion, the
5 environmental effects. As Mr. Wittrup has
6 indicated, there are portions of it have been
7 going on but the actual finalization of a program
8 or a detailed program to our satisfaction isn't in
9 place.

10 But there has been portions of
11 things happening with regard to this study as he
12 has indicated happening ad hoc over a period of
13 time. But we do not have that final bottom level
14 of monitoring finalized in our documentation.

15 MEMBER MacLACHLAN: Effects
16 Monitoring?

17 MR. McCABE: Environmental Effects
18 Monitoring. We do not have that portion
19 finalized.

20 THE CHAIRPERSON: I believe the
21 applicant wishes to add.

22 MR. WITTRUP: I think we bring a
23 little different perspective to it in terms of the
24 fact that in our opinion the program is up and
25 running and has been for two years at all the

1 sites. We did Key Lake two years ago. We did
2 McArthur River last year and as we speak --
3 sorry -- as we speak, Key Lake is being done this
4 year and Rabbit Lake will be done next year. It's
5 spread out largely because of limited availability
6 of consultants to do the work.

7 The program has been in place.
8 What we have been discussing and have had some
9 disagreement about is largely on some of the fine
10 details. The bulk of the program has been there
11 and I would have said that this last revision we
12 were talking about one per cent of the program
13 where we are still having some difference in terms
14 of the trigger values and just some of the fine
15 technical details with respect to reporting. None
16 of these effect the actual monitoring program
17 itself; more on how it is reported, when it is
18 reported and what response mechanisms are in
19 place.

20 THE CHAIRPERSON: Further
21 questions on Mrs. Shiell's submission?

22 Dr. Barnes.

23 MEMBER BARNES: Just remind me
24 again, Cameco, if you would, the anticipated
25 duration of the mine? Life span.

1 MR. WITTRUP: McArthur River mine
2 currently has a life of about 20 years.

3 MEMBER BARNES: Could you address
4 the points being raised in page 2 of Mrs. Shiell's
5 letter which is concerned about why sediment is
6 not being used as a threshold trigger? Perhaps a
7 comment from staff.

8 MR. PEREIRA: I will ask
9 Dr. Thompson to address the question.

10 MEMBER BARNES: I was suggesting
11 the applicant might start and then staff.

12 MR. WITTRUP: Mark Wittrup.

13 Under the originally proposed
14 Environmental Effects Monitoring Program sediment
15 was a trigger. Unfortunately it was being
16 overlaid on, in some cases, already impacted areas
17 which immediately set off the triggers or in the
18 case of McArthur River where some of the samples
19 had natural background which exceeded the
20 triggers. The next logical step, the two tier in
21 effect was to do the benthic invertebrate work.

22 So what we have done is we have
23 moved the benthic invertebrate work to the tier
24 one trigger. So instead of having sediments
25 trigger the work, we are looking actually moving

1 to the next level which is the population effects.
2 We feel in the long run that is a better sampling
3 method regardless.

4 Now, that is not to say that the
5 sediments are not being sampled, in fact, are
6 being sampled coincidentally with the benthic
7 invertebrates to supply supporting data. In the
8 latest revision of the Environmental Effects
9 Monitoring Program, there is wording that the
10 sediment data is part of the weight of evidence,
11 that it be used in interpreting the benthic data
12 and the other environmental effects monitoring
13 data coming out of that particular station. Thank
14 you.

15 THE CHAIRPERSON: I would just
16 like to note for the record, just to clarify that
17 we were talking about, Dr. Barnes, 01-H21.2A
18 rather than -- because there were two submissions.

19 MEMBER BARNES: Oh, I'm sorry.

20 THE CHAIRPERSON: Just for the
21 record I want to make sure we are on the same page
22 literally and figuratively.

23 Any further comments?

24 MEMBER BARNES: I was inviting
25 comment from staff as well on that.

1 THE CHAIRPERSON: Yes.

2 MR. PEREIRA: I will ask
3 Dr. Thompson to comment.

4 DR. THOMPSON: My name is Patsy
5 Thompson.

6 Essentially what Mr. Wittrup just
7 mentioned is correct. In the frameworks that have
8 been developed by different jurisdictions using
9 sediment chemistry to look at their potential
10 impacts on benthic invertebrate communities,
11 normally benthic invertebrate communities are not
12 sampled on a routine basis. The guidelines, the
13 sediment guidelines are normally used as triggers
14 for environmental effects.

15 The frameworks are usually
16 designed that if sediment chemistry is below an
17 effects value, then you continue monitoring on a
18 regular basis and take no action. If the sediment
19 chemistry is above what are called low-effects
20 values and above natural background, then this
21 would trigger looking at benthic invertebrate
22 communities to determine the extent and the
23 severity of the impacts.

24 In the case of Key Lake the
25 operation has been going on for 20 years and there

1 were already impacted sediments and impacted
2 benthic invertebrate communities. In the case of
3 McArthur River some of the guidelines are below
4 natural background concentrations. So that would
5 essentially in that framework move us into the
6 benthic invertebrate community sampling and
7 interpretation of data.

8 So that is why the information has
9 been -- the program has been redesigned to look at
10 benthic invertebrate communities in conjunction
11 with sediment. If the impacts are found to be
12 significant, then the chemical information is
13 there and the chemical information would be
14 compared to guidelines and this would give us an
15 indication of which contaminants are potentially
16 causing those effects. Then with additional
17 toxicity tests or statistical analyses we could
18 confirm which of the contaminants are potentially
19 causing those effects so that then it can go into
20 a risk management and look at options for reducing
21 those emissions.

22 THE CHAIRPERSON: Dr. Giroux.

23 MEMBER GIROUX: Essentially on the
24 same topic. Mrs. Shiell is quite critical of
25 staff and of applicants also in her brief and I am

1 referring to the same page here, although this is
2 a bit more general. She makes allegations. I
3 would like staff and maybe the applicant to
4 address two of these.

5 At the bottom of page 2 referring
6 to the question of the sediment not being a
7 trigger, a threshold trigger, she says:

8 "It looks to me as though the
9 regulators have caved in to
10 the corporation and have
11 backed down in order to get
12 an agreement on the EM
13 program as if there was a
14 quid pro quo and that you
15 would have relaxed your
16 requirements on site to make
17 sure you get a program." (As
18 read)

19 That is a pretty serious allegation. Could you
20 comment staff on this and reassure me that there
21 is no link between the one and the other decision?

22 MR. PEREIRA: I guess this point
23 relates somewhat to the comments that Dr. Thompson
24 has made but I will invite her to comment further
25 on the issue.

1 DR. THOMPSON: For McArthur River
2 when we came in front of the Board two years ago
3 we had a framework for the program at the time.
4 We had recommended that sediment quality be used
5 as a trigger to be consistent with other
6 frameworks that are in use in other jurisdictions.

7 Through discussions and also
8 through looking at, I guess in 1999, the end of
9 1999, we received a document from -- it's called
10 the Pre-Milling Baseline, a report. It's a study
11 that was done at Key Lake to look at sediment and
12 benthic invertebrate community information before
13 milling of McArthur River.

14 Some additional baseline work was
15 also done at McArthur River to look at the
16 statistical robustness of the sampling that was
17 proposed to be conducted. Taking all that
18 information together as well as the information on
19 existing conditions relative to the existing
20 guidelines, we came to the conclusion that moving
21 the triggers for sediment quality in tier two and
22 focusing on the benthic invertebrate community
23 would actually give us better information more
24 quickly to be able to take action in an
25 appropriate manner, I guess, more quickly.

1 One of the difficulties with using
2 sediment quality as the trigger in tier one, is
3 that there are sediment quality guidelines for a
4 limited number of contaminants; much fewer
5 contaminants than the number of contaminants
6 released through the mill effluent.

7 The benthic invertebrate
8 communities, as well as other biological
9 communities are effected by all contaminants
10 coming out of the effluent, and focusing on a
11 select few contaminants for which there are
12 guidelines may, in fact, lead us to miss
13 environmental effects that would be occurring
14 because we have no guidelines for those
15 contaminants.

16 So actually focusing at those
17 sites on benthic invertebrate community data and
18 then looking at the chemical information from the
19 sediment for which we have chemical data for
20 contaminants for which there are guidelines as
21 well as for those that we don't have guidelines
22 for, then we have a lot more information that we
23 can use in subsequent steps in the program to make
24 decisions.

25 MEMBER GIROUX: Thank you.

1 I think that answers the first
2 part of my question.

3 THE CHAIRPERSON: Yes, please go
4 ahead, Dr. Giroux.

5 MEMBER GIROUX: The other one is
6 concerning -- starts on page 1, concerning a
7 meeting that was scheduled for September 13 and as
8 she says abruptly cancelled on September 5 and
9 allegedly, according to her, because risk
10 assessment was to be discussed without discussion
11 of risk management.

12 Now, again I would like to know if
13 there is any basis for this allegation? Is the
14 applicant --

15 MR. WITTRUP: Yes, Mark Wittrup.

16 Yes, Dr. Giroux, our understanding
17 the meeting was cancelled because of concerns of
18 Environment Canada over legal and policy issues
19 and it was not at the behest of the companies at
20 all.

21 THE CHAIRPERSON: Should CNSC
22 staff reply to that?

23 MR. PEREIRA: Yes, I will invite
24 Dr. Thompson to elaborate.

25 DR. THOMPSON: For the PSL 2, the

1 Priority Substance List Assessment of
2 Radionuclides, there was a stakeholder meeting in
3 December 2000. At that time there was a
4 commitment made by Environment Canada to hold
5 technical workshops in March to deal with the
6 comments that were of a scientific nature and then
7 to have another stakeholder meeting to deal with
8 scientific comments but also comments that dealt
9 with policy and process.

10 The workshops were held in March
11 and then in May, Environment Canada indicated that
12 they would be holding a stakeholders meeting in
13 September to address science policy and process
14 issues. The meeting was indeed cancelled at the
15 last minute. The message went out about five days
16 before the meeting was scheduled and essentially
17 the reason Environment Canada gave was that they
18 were not prepared to discuss some of the policy
19 issues for risk management.

20 Essentially if the assessment
21 concludes that the releases are toxic, then under
22 CEPA the next phase is risk management. There was
23 some indication that stakeholders wanted risk
24 management to be discussed at that meeting and
25 they were not prepared to do so.

1 MEMBER GIROUX: So there is a
2 basis for her statement?

3 DR. THOMPSON: Yes, Mrs. Shiell is
4 one of the stakeholders. She had provided
5 comments during the public comment period. She
6 had been notified of the meeting. Unfortunately
7 she had made travel arrangements and had done a
8 lot of preparatory work for the meeting and she
9 found out, like the rest of us, at the last minute
10 that the meeting was cancelled.

11 THE CHAIRPERSON: Has the meeting
12 been rescheduled?

13 DR. THOMPSON: No, it hasn't.

14 THE CHAIRPERSON: Is your
15 understanding that Environment Canada intends to
16 reschedule?

17 DR. THOMPSON: My understanding is
18 that the meeting was postponed and that it will be
19 rescheduled.

20 THE CHAIRPERSON: Thank you.

21 Further questions?

22 Yes, Mr. Pereira.

23 MR. PEREIRA: Could we comment
24 further on the first part of Dr. Giroux' question
25 with respect to licensing. This is an issue that

1 Mrs. Shiell has raised. I will ask Mr. McCabe to
2 provide the additional comment.

3 THE CHAIRPERSON: Dr. Giroux, do
4 you agree?

5 MEMBER GIROUX: Yes.

6 THE CHAIRPERSON: Yes. Thank you.

7 MR. McCABE: Thanks. Rick McCabe.

8 I just want to comment on the
9 statement that Mrs. Shiell makes about the
10 regulators having caved in.

11 Some of my staff describe what we
12 have been going through with the EEM program as
13 grinding. This has been a long process. This has
14 been a hard process but I think that the
15 discussions have been fruitful. So had we caved
16 in, this probably would have been done a long time
17 ago. It is not done now because we are trying to
18 get this program to a level that staff are
19 satisfied with and that the documentation supports
20 what we think is a reasonable program.

21 So I certainly do take exception
22 to the fact of having caved in. It might have
23 been easier but it's certainly not what happened.

24 THE CHAIRPERSON: Dr. Barnes.

25 MEMBER BARNES: It is just a

1 follow up to that meeting that was cancelled.

2 Is it your understanding that when
3 the meeting is rescheduled there will be an
4 opportunity to consider risk management or that
5 the meeting will be restricted to risk assessment?

6 MR. PEREIRA: Dr. Thompson.

7 DR. THOMPSON: The meeting is
8 intended to address all, I think, the 48 public
9 comments that came in during the public comment
10 period. Several of those comments from industry
11 dealt with risk management and other policy
12 issues. The intent is to, under CEPA Environment
13 Canada has developed a risk management process to
14 deal with substances that are found to be toxic.
15 Certainly the intent is to discuss risk management
16 for radionuclides should they be also declared
17 toxic.

18 MEMBER BARNES: I'm sorry. Why
19 was it that they found it necessary to postpone it
20 then?

21 DR. THOMPSON: I'm unclear about
22 what details remain to be worked out. It was a
23 decision that was made internally at Environment
24 Canada. I was only informed of the decision.

25 MEMBER BARNES: I assume there is

1 no one in the audience from Environment Canada who
2 could assist in this?

3 THE CHAIRPERSON: Is there anyone
4 in the audience from Environment Canada?

5 It appears not, Dr. Barnes.

6 Are there any further questions?

7 Dr. Giroux.

8 MEMBER GIROUX: Yes, I think I
9 would like a further clarification on this same
10 topic.

11 Mrs. Shiell writes that the reason
12 for the cancellation given to her on the phone
13 from Ottawa and from the Saskatoon office, I
14 presume this is our office, the reason was that
15 the Mining Association had objected to the risk
16 management not being under consideration.

17 Am I interpreting correctly that
18 she is referring to CNSC offices in Ottawa and
19 Saskatoon and would that answer have been given by
20 us, by staff?

21 MR. PEREIRA: I will ask
22 Mr. McCabe to comment about the Saskatoon office
23 duties.

24 MR. McCABE: Thanks. Rick McCabe.
25 I spoke to Mrs. Shiell the day she

1 received that notification. She was contacted by
2 Environment Canada, not by the CNSC with regard to
3 the cancellation of that meeting. It was not CNSC
4 staff. She just uses us as the contact and the
5 conduit and our office but we did not make that
6 notification.

7 In fact, we were surprised. I had
8 a member of my staff slated to go to that and she
9 was the one who informed me that the meeting had
10 been cancelled. So it was not through us.

11 THE CHAIRPERSON: Dr. Barnes.

12 MEMBER BARNES: But I think the
13 sentence here is not referring to the notice of
14 cancellation but the reason for the cancellation.
15 So she is implying that the reason given by CNSC
16 was that it was the Mining Association, which you
17 are denying that.

18 MR. PEREIRA: I will ask
19 Dr. Thompson to comment on the reason.

20 THE CHAIRPERSON: Perhaps I could
21 just clarify. My understanding of what Dr. Barnes
22 is asking is that the implication in 01-H21.2A by
23 Ms Shiell is that it was given orally on the phone
24 from Ottawa and in the Saskatoon Office and it was
25 not just the cancellation notice but the reasons.

1 So was the reason -- those reasons
2 given to Mrs. Shiell by the Saskatoon Office or
3 was that from Environment Canada? That is the
4 question.

5 MR. PEREIRA: I will ask
6 Mr. McCabe on that.

7 MR. McCABE: There was no reason
8 given to Mrs. Shiell for the cancellation because
9 we were equally surprised to hear about the
10 cancellation. As I indicated, she was the one who
11 told me that the meeting was cancelled and then I
12 had to check with others to see that it had been.
13 We have never been given an official reason why it
14 was cancelled and we certainly did not provide her
15 with a reason.

16 THE CHAIRPERSON: Dr. Barnes, does
17 answer the question?

18 MEMBER BARNES: Yes.

19 THE CHAIRPERSON: Mr. Graham.

20 MEMBER GRAHAM: Yes, I wasn't
21 going to enter into this because I thought it was
22 well covered but just for clarification, did
23 Environment Canada ever call you -- call the
24 Saskatoon Office to advise them that the meeting
25 had been cancelled?

1 MR. McCABE: No, Environment
2 Canada never called us. I would assume if they
3 were contacting CNSC staff, it would be done
4 through the Ottawa staff. It wouldn't have been
5 through us. We just heard and we just checked and
6 found out the meeting was cancelled so we
7 certainly stopped our participant from going to
8 the session.

9 MEMBER GRAHAM: All I'm wondering
10 is, is that Mrs. Shiell seems to have been given
11 her indication, I am just wondering did anybody in
12 CNSC staff have any communication with Environment
13 Canada on this?

14 MR. PEREIRA: Our lead staff
15 member in the PSL 2 discussions is Dr. Thompson.
16 So if anyone would have heard first, it probably
17 would have been Dr. Thompson. But I will let her
18 speak for herself.

19 THE CHAIRPERSON: And this will be
20 the last comment on this question. We have no
21 person here from Environment Canada and I don't
22 think this line of questioning is terribly
23 helpful.

24 Dr. Thompson.

25 DR. THOMPSON: Environment Canada

1 have a list of stakeholders and all the
2 stakeholders were sent an e-mail the Thursday of
3 the week before the meeting. So essentially all
4 stakeholders received the same e-mail stating that
5 the meeting was postponed because Environment
6 Canada needed time to essentially get information
7 together to properly discuss risk management and
8 other policy issues.

9

10 **01-H21.3**

11 **Written submission from W.R. Adamson**

12 THE CHAIRPERSON: Thank you very
13 much, Dr. Thompson.

14 We will now move to the written
15 submission by W.R. Adamson which is outlined in
16 Document H-21.3. The floor is now open for
17 questions from the Commission with regard to this
18 written submission.

19 No questions or comments?

20 Thank you very much.

21 This completes the record for the
22 public hearing on the matter of the application by
23 Cameco Corporation for a licence to operate the
24 McArthur River Operation. The Commission will
25 deliberate and will publish it's decision in due

1 course. The decision will be posted on the CNSC
2 web site as well as distributed to participants.
3