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ADMINISTRATION

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Ramzi Jammal
Executive VP
And chief regulatory operations officer
Canadian Nuclear Safety Commission
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CNSC

CCSN



3302980

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REFERRED TO RÉFÉRÉ À	Jammal, R.

Dear Mr. Jammal:

Thank-you for your letter of Oct. 9, in which you try to clear up my unanswered questions about CNSC's oversight of Cameco Corporation's spill of uranium and arsenic into Lake Ontario.

Until now, I have been corresponding with Mssrs. Rabski and Binder, not very successfully I might add. I think you will understand my frustration when I tell you that I am still not satisfied that I have a clear answer to the question I posed last May 20, and repeated on July 12, Aug. 29, and Oct. 7. I shall repeat it one last time:

"Can you explain the technical, economic and environmental justification for the CNSC staff accepting Cameco's argument that removing any more soil will undermine the footings of the UF₆ building?"

It is fine for you to say, in your letter, that "Cameco was able to demonstrate to the satisfaction of the CNSC" it was safe to do that, but that is not what I asked. I asked what data did Cameco provide and why did your staff accept it. Were there soil tests? Did they come in safely under the Ontario government guidelines for industrial soil (I ask because the March 10, 2008 report from Golder Associates said it did not)? How did Cameco and the CNSC determine there was no risk to the environment or worker safety to leave the soil there? In my Aug. 29 letter I asked "What readings or data in those studies convinced your staff to let Cameco remove only the top 2 feet of soil under the building, when the contamination was tracked as deep as 7 metres." You didn't answer that question either.

You seem to imply that, once CNSC staff complete their review of the Sept. 4, 2008, reports from Cameco on the contamination, "a more detailed response to your questions can be provided." Do I take that to mean the CNSC gave permission for Cameco to restart its UF₆ facility (which you did on Sept. 12) before your staff reviewed the company's environmental investigation report and the accompanying risk assessment report?

In view of the past five months of miscommunication between us, I am listing my outstanding questions for you again. Perhaps you can respond to each one when the time comes. Also, I would appreciate some indication when these responses might be forthcoming.

My questions are:

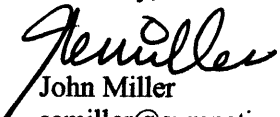
1. "Can you explain the technical, economic and environmental justification for the CNSC staff accepting Cameco's argument that removing any more soil will undermine the footings of the UF₆ building?"
2. Were there soil tests? Did they come in safely under the Ontario government guidelines for industrial soil?

3. How did Cameco and the CNSC determine there was no risk to the environment or worker safety to leave the soil there?
4. What readings or data in those studies convinced your staff to let Cameco remove only the top 2 feet of soil under the building, when the contamination was tracked as deep as 7 metres?
5. Did the CNSC give permission for Cameco to restart its UF₆ facility (which it did on Sept. 12) before its staff reviewed the company's environmental investigation report and the accompanying risk assessment report (filed on Sept. 4 but not yet analyzed)?
6. Cameco originally estimated that it would remove 40 percent of the contaminated soil. What was the final percentage figure for soil removal?
7. What is the location of the site where the excavated soil will be disposed of?
8. What is the volume and concentration of contaminated soil on Cameco's site outside the footprint of the UF₆ building?
9. How do those concentrations compare to the applicable Ontario water or soil quality guidelines?
10. Cameco says it will not be removing any more soil contaminated by the spill. Why has the CNSC not made it do more?
11. Mr. Binder's letter to me said that "ground water and surface water monitoring data indicate that workers and members of the public are not exposed to levels of contaminants that represent a health risk." No mention is made of the effect on the environment. What is the CNSC's risk assessment of that?
12. Why has the CNSC said nothing about the reasons for letting Cameco restart the plant? Why does it not feel it owes an explanation to the people of Port Hope, who might see the decision to leave thousands of more cubic metres of contamination in the soil until decommissioning as repeating the mistakes of the past?

The reports you mentioned are available on Cameco's website are not, in fact, posted there.

Finally, I would like to comment on your assertion that, at its meeting on May 14, 2008, the "Commission expressed its satisfaction with Cameco's plan to restart its UF₆ plant in September 2008." My reading of the transcript of that meeting does not support that view. It shows Mr. Binder asking Mr. Rabski if staff was satisfied so far with the progress being made. Mr. Rabski replied: "Our ongoing work with Cameco is on a very routine basis where we are on site evaluating the progress and working towards the ultimate date of the plant restart and looking forward to their strategy on recommencing operations here after this lengthy shutdown. We will be carefully analyzing their strategy for restart to avoid any unnecessary interruptions that may follow." The Commission made no comment on that; it did not "express its satisfaction" at all. In fact, no decision on restarting the plant was made at that meeting, and it was not clear what process had to be followed for that to happen.

Sincerely,


John Miller
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October 26, 2008

c.c. Michael Binder, CNSC chair