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CNSC CCSN

ADMINISTRATION



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Michael Binder  
Chairman and CEO  
Canadian Nuclear Safety Commission  
280 Slater St.  
P.O. Box 1046, Station B  
Ottawa, ON K1P 5S9

FILE DOSSIER	202 36-3-1-0
REFERRED TO REFERENCE	Cameron, J. K.

Dear Dr. Binder:

I am writing to you because I have been unable, for the last five months, to get from your staff an answer to two important questions relating to the health and environment of Port Hope.

I have highlighted them in the copy of my last letter, dated May 20, 2008:

- “I am respectfully asking you for the reason your agency did not make Cameco clean up 100 per cent of the contamination that its negligent practices allowed to leak onto our town’s waterfront.”
- “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 UF<sub>6</sub> building? How is that consistent with your mandate to protect the environment?”

My May 20 letter was passed on by Barclay Howden to Henry Rabsky, who eventually responded but he did not answer these two questions. My subsequent request for him to do so was not answered.

You know the history of nuclear contamination in Port Hope. As a citizen, I want to know that the CNSC will not repeat the mistakes made by the AECB. We now have 2 million cubic metres of low-level radioactive waste that was allowed to be left in the ground over the years and that the federal government has yet to put a shovel to. Cameco’s spill of uranium, arsenic and other toxic materials should not be allowed to add to our environmental burden without compelling reasons.

My questions take on new urgency because Cameco is telling our community that it has already cleaned up 40 percent of the contamination under Building 50, and there is no threat to the public or the environment. However, documents I recently received from CNSC through an Access to Information request show that this is not true.

A Golder Associates report to Cameco, dated March 10, 2008, says there are eight contaminants in the soil beneath Building 50 that exceed the Ministry of the Environment’s standards for industrial soil – uranium, arsenic, fluoride, silver, cobalt, copper, nickel and antimony.

It also gives the following information about how much contamination Cameco believes is in the soil, and how much has actually been removed:

**Uranium:** An estimated 1,000 to 1,700 kilograms (1,000 kg. of which is above the Port Hope Area Initiative standards for U235 and U238). Only about 10 to 17 percent of this has been removed.

**Fluoride:** An estimated 20,000 to 26,000 kg. (between 1,600 and 7,500 kg. of which is above the PHAI standard). Only 2 to 7 percent of this has been removed.

**Arsenic:** An estimated 400 to 500 kg. (most of which is within PHAI standards). Between 15 and 55 percent of this has been removed.

This tells me that the CNSC is allowing Cameco to leave thousands of kilograms of new contamination in the ground (and this appears to be only a rough estimate). If this were historic waste, it would have to be cleaned up under the federally funded low-level clean-up. But because it was put into the ground by a private company in 2008, and it might undermine the building if it were dug up, it will stay there until the plant is decommissioned.

Please tell me how your commission can justify this.



John Miller  
6083 Knoxville Road  
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July 12, 2008

May 20, 2008

COPY

Mr. Barclay Howden  
Director-general  
Canadian Nuclear Safety Commission

Dear Mr. Howden:

I wrote you more than three months ago (on Feb. 2) to express my concern about the apparent decision of CNSC staff to allow a substantial amount of the contamination to remain in the ground under Cameco Corporation's UF<sub>6</sub> facility in Port Hope. In January, your agency gave the company permission to pour concrete for a new floor, even though it had removed only the top two feet of contaminated soil (It had measured contamination as deep as 8 metres.).

I wrote: "I am respectfully asking you for the reason your agency did not make Cameco clean up 100 per cent of the contamination that its negligent practices allowed to leak onto our town's waterfront."

I did not get a direct answer. Instead, your staff sent me copies two letters you sent to Cameco, including one of Jan. 25, 2008, in which you authorize Cameco to install new equipment and structures, but also ask it to justify its determination of the amount and properties of the soil remaining under the building. That seemed to be a caveat on your complete agreement to allow the company to leave all that contamination in the ground.

I have heard nothing since. I was therefore surprised to hear Andy Thorne, general manager of the facility, give a briefing to the Municipal council of Port Hope last night (May 20), in which he said Cameco's reconstruction of the UF<sub>6</sub> floor has the complete agreement of the CNSC and there is no need to clean up any more soil under it.

He did not indicate Cameco has been given any directive from your agency to clean up any of the soil outside the footprint of the building either. As you know, two plumes of the leak have carried an unspecified amount of uranium, fluoride and arsenic into Lake Ontario, which seems to constitute a violation of Section 36 of the Fisheries Act.

I therefore have three questions of the CNSC staff, and I would appreciate a speedy answer:

1. Has your agency informed the Minister of Fisheries and Oceans about the possible violation of the Fisheries Act, which you learned about from Cameco on May 14 in Ajax?
2. 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 UF<sub>6</sub> building? How is that consistent with your mandate to protect the environment?
3. How do you respond to the suggestion that the CNSC appears to be letting commercial considerations trump protection for the environment?

Thank-you for considering my questions, and I look forward to a reply.

John Miller  
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