



MiningWatch Canada

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Canadian Nuclear Safety Commission
President Linda J. Keen and Commissioners
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Dear Ms. Keen and respected Commissioners,

re: Renewal of mining operating licence for Cameco Corporation's Rabbit Lake Operation

I am writing to you on behalf of MiningWatch Canada out of grave concern for the proposal by Cameco Corporation to resume mining operations at its Rabbit Lake site, and especially the company's request to breach the dike separating the A-zone pit from Wollaston Lake with no environmental assessment. I am doubly concerned by the determination proposed by CNSC staff that no environmental assessment is required in this instance (as stated in Commission Member Document 03-H22).

Two elements are of relevance here: public concern and technical rigor (including legal and regulatory compliance). I submit to you that both of these indicate a clear requirement for an environmental assessment, and in fact a comprehensive study is indeed indicated, as prescribed in section 21 of the Canadian Environmental Assessment Act (CEAA) and regulated under section 59(d) of that Act.

Public concern can be measured both within the affected communities and outside them. While it is impossible to judge public concern in the affected communities in the absence of any documentation of any consultation or negotiation with them by either the proponent or CNSC staff, it is not the place of MiningWatch Canada to do so. We can simply point out that no evidence has been provided in this

respect. At the same time, we are aware that other groups and individuals have questioned the determination proposed by CNSC staff that no environmental assessment is required. We support this position, and we do so as a national organisation whose mandate is to advocate responsible mineral development.¹ Uranium mining is a matter of great significance nationally and internationally, not just for its commercial and strategic value, but also because of the extraordinarily delicate environmental and human health issues around it, and the incomplete and inadequate state of knowledge on those issues. Uranium mining in northern Saskatchewan is of even greater importance due to the concentration of facilities in a relatively small area, the extremely high grades of ore being mined, the pristine and unspoiled natural environment, and the dependence of the nearby communities on that ecosystem for sustenance and fresh water.

In technical terms, it is far from clear that it is advisable or even safe to breach the A-zone dike. The materials presented to you (and the public) do not present any scientific data regarding water quality or flow over time and at various locations and depths, including hydrogeological data, that might allow a technical assessment of contamination risks. Without trying to lay out a comprehensive list of environmental safety factors, one would also need to know surface and deep current and mixing patterns under different conditions, including extreme storm conditions, as well as in-pit rock and sediment conditions regarding leaching, acid formation, fractures and faults, etc.

It is not my purpose to challenge the scientific competence of the federal and provincial regulators, nor that of Cameco's staff, but rather to insist on transparency and accountability in decision making. Both the data and the reasoning for any conclusions drawn from it must be public and they must be available to you as the responsible authority.

Where I must take issue with CNSC staff is in their determination that no environmental assessment is required. It can be argued that no environmental assessment is required for the continued or resumed operation of the Eagle Point mine, although Maisie Shiell's arguments to the contrary are thorough and convincing. It may be that the state of environmental and radiological science has progressed to the point where a broad review of previous environmental assessments should be carried out. This is a question that you could profitably turn your attention to, since as well as causing serious concern to

¹ MiningWatch Canada is a pan-Canadian coalition supported by environmental, social justice, Aboriginal and labour organisations from across the country. It addresses the urgent need for a co-ordinated public interest response to the threats to public health, water and air quality, fish and wildlife habitat and community interests posed by irresponsible mineral policies and practices in Canada and around the world.

The mandate of MiningWatch Canada is to:

- ensure that mineral development practices are consistent with the goals of sustainable communities and ecological health;
- strengthen technical and strategic skills within communities and organisations faced with impacts of mineral development;
- impose appropriate terms and conditions on mining and in some cases prevent the development of projects that would adversely affect areas of ecological, economic and cultural significance; and
- advocate policies to improve the efficiency and reduce the risks of mineral development.

MiningWatch Canada is a direct response to industry and government failures to protect the public and the environment from destructive mining practices and to deliver on their sustainability rhetoric. With technical and strategic expertise from across Canada, MWC carries out and/or supports the monitoring, analysis and advocacy necessary to affect the behaviour of industry and public decision-makers.

A national non-profit supporting initiatives from partners in affected communities in Canada and around the world, MiningWatch Canada is governed by a Board of Directors comprised of a range of experts, community leaders and activists from across Canada.

those who follow the state of the science, the “shelf life” of environmental assessments is a matter of some preoccupation for the Canadian Environmental Assessment Agency, who I understand is developing guidance material on this issue.

This licence application also includes the decommissioning of the A-zone pit. There can be no argument that this activity does not require an environmental assessment. Unless the two activities are severed and made subject of two separate licence applications, then an environmental assessment of this application must be carried out. It is clear that:

1. Licencing of a uranium mine under the Nuclear Safety Act is a trigger for an environmental assessment to be carried out according to CEAA section 5(1)(d) and as listed on the “Law List” regulation established under CEAA section 59(f) (SOR/94-639);
2. The 1993 Hindmarsh Panel assessment (“Rabbit Lake Uranium Mine A-Zone, D-Zone and Eagle Point”) did not contemplate any specific decommissioning plans, though potential options were described, therefore this activity cannot properly be considered to have been subject of the assessment as contemplated under the Exclusion List provision of CEAA section 7(1) and the corresponding regulation under section 59(c) (SOR/94-636); and
3. Decommissioning of a mine is subject to a comprehensive study as provided for by CEAA section (21) as it is included in the Comprehensive Study List regulation under section 59(d) (SOR/94-638).

Unless one of these statements is clearly and unequivocally false, then the conclusion is evident. Our recommendation would be to split this licence application so that the proponent is permitted to continue operations while the decommissioning activity undergoes a Comprehensive Study, and the outstanding and troubling issues identified by Mrs. Shiell are dealt as part of a broader public and technical review of the “state of the art”.

In closing, I submit that the CNSC staff recommendation in CMD 03-H22 is based on insufficient or at least undisclosed information, and an incorrect interpretation of CEAA. I hope you are able to resolve this situation, and that the kind of problems that have already arisen from this kind of misinterpretation do not continue to cause unnecessary effort and cost for the operators, citizens’ groups, and taxpayers alike.

I know you take these matters very seriously, as befits your mandate and your experience.

Thank you,

Sincerely,

Joan Kuyek,
National Coordinator