

**Canadian Nuclear
Safety Commission**

**Commission canadienne de
sûreté nucléaire**

Public hearing

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Public Hearing Room
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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
Mr. Dan Tolgyesi
Mr. Alan Graham
Dr. Ronald Barriault

M. Michael Binder
Mme Moyra McDill
M. Dan Tolgyesi
M. Alan Graham
M. Ronald Barriault

Secretary:

Secrétaire

Mr. Marc Leblanc

M. Marc Leblanc

Senior Counsel :

Conseiller principal:

Ms. Lisa Thiele

Mme Lisa Thiele

1 **OPPORTUNITY TO BE HEARD**

2
3 **Saskatchewan Research Council:**
4 **Opportunity to be heard on the**
5 **Designated Officer Order issued**
6 **to Saskatchewan Research Council**
7 **on June 18, 2010**

8
9 **THE CHAIRMAN:** Okay, good afternoon.

10 My name is Michael Binder. Je suis le
11 président de la Commission canadienne de sûreté nucléaire.

12 And the next item on the agenda is the
13 opportunity to be heard to Saskatchewan Research Council
14 on the Order issued on June 18 by the Designated Officer.

15 So I wish to welcome Mr. Joe Muldoon, Vice
16 President, Environment and Forestry for SRC.

17 Can you hear us? Mr. Muldoon?

18 **MR. MULDOON:** Yes, we can.

19 **THE CHAIRMAN:** Okay.

20 With me on the podium here is Dr. Moyra
21 McDill and Mr. Dan Tolgyesi and I have also Mr. Alan
22 Graham and Dr. Ronald Barriault.

23 We also have Marc Leblanc, our secretary to
24 the Commission and Lisa Thiele, General Counsel to the
25 Commission.

1 So, Marc, over to you.

2 **MR. LEBLANC:** The submission filed by CNSC
3 Staff is outlined in CMD 10-H114. The Saskatchewan
4 Research Council will be providing verbal comments only
5 today.

6 Monsieur le président.

7 **THE CHAIRMAN:** I'd like to start by turning
8 the floor to CNSC and I understand, Mr. Howard, you will
9 make the presentation. The floor is yours.

10

11 **10-H114**

12 **Oral presentation by**

13 **CNSC staff**

14

15 **MR. HOWARD:** Thank you.

16 Good evening, Mr. President and Members of
17 the Commission.

18 For the record, my name is Don Howard;
19 Director of the Waste and Decommissioning Division and
20 also I am a designated officer pursuant to Section 37(2)
21 of the *Nuclear Safety and Control Act*.

22 On June 18th, 2010, I issued an order to
23 the Saskatchewan Research Council for the following
24 actions: one is to immediately conduct an assessment of
25 the occupational health and safety risk of all buildings

1 and structures at the Gunner site; two, shall immediately
2 take all reasonable steps to secure the site and, three,
3 shall immediately take down all buildings and structures
4 at the Gunner site that pose a physical risk to the health
5 and safety of the public.

6 Now, I took this action to issue this order
7 to the Saskatchewan Research Council based on a number of
8 factors. First, there was no progress on adequately
9 managing the site that has been demonstrated by the
10 Saskatchewan Research Council; two, there was no apparent
11 plans to deal with the immediate hazards at the Gunner
12 site and; three, a recent inspection which was conducted
13 in June -- early June of 2010 by CNSC staff, in
14 conjunction with Saskatchewan Environment, identified that
15 the human intrusion was continuing to occur at the Gunner
16 site and there was further degradation of the buildings at
17 the Gunner site.

18 So at this time, I would like to pass the
19 presentation over to Claude David who is a CNSC inspector
20 who, as I indicated, along with Saskatchewan Environment
21 conducted an inspection at the Gunner site in early June,
22 2010.

23 **MR. DAVID:** Thank you, Mr. Howard.

24 My name is, for the record, Claude David;
25 I'm the Project Officer responsible for Saskatchewan

1 Research Council's proposal to rehabilitate the Gunner
2 site.

3 In the first half of my presentation, I'll
4 try to present information that you've previously seen,
5 this to just refresh your memory on what was shown to you
6 in early December. I will then report on staff's findings
7 of a recent inspection conducted at the site.

8 We have here a map of the Province of
9 Saskatchewan. As you can see, Gunner is located on the
10 shore -- that is, the north shore -- of Lake Athabasca;
11 the latitude is 59 degrees, 33 minutes; that site is very
12 close to the border with the Northwest Territories.

13 There is no all-weather road access to
14 Gunner. The site is accessible only by water, ice road or
15 by air. There is a road that links the mine and the mill
16 area of the site to an airstrip.

17 Here, we have a closer view of the area.
18 On the right-hand corner of the map -- my circle is a bit
19 offset but you'll note Uranium City is indicated just
20 under that oval, and then, to the bottom of the screen,
21 you have Gunner.

22 Now, you can see there's a road leading
23 north of Gunner and you see where you have an airplane
24 sign; that is where the airfield is located.

25 And you'll see that a trail further goes

1 further north and that trail leads to an outfitter's camp,
2 an outfitter whose operation is located in Jug Bay.

3 Typically, staff leave Uranium City by
4 truck. We travel approximately half an hour by truck to
5 get to a boat landing. Once the boat is in the water, it
6 takes us about 30 minutes to get to the site by water.

7 Now, this is a view of Gunner. You have on
8 the right-hand side, we have the head frame and, behind
9 it, we have the flooded mine pit; to the left of the head
10 frame, in the background, you see two rectangular
11 buildings, that is the acid plant where they manufactured
12 the sulphuric acid.

13 Beside those two blocks, you have the mill
14 and in front -- I know it's difficult for you to see but
15 in front, towards the water, you have a huge maintenance
16 building and warehouse.

17 And, of course, at the extreme middle left-
18 hand side of the picture, we have the old residences. You
19 may recall the pictures of the wood frame buildings that
20 were collapsing, that gives you a general idea, more or
21 less a refresher of what you saw last year.

22 Next slide.

23 At the 2009 meeting, staff characterized
24 the hazards as indicated on this slide. Essentially, it's
25 a judgment call but other inspectors would agree that the

1 physical hazards are the main hazards at this site at this
2 time.

3 The second one would be radiological and
4 not so much at the -- the mine and mill site itself but
5 mostly at the tailings.

6 So we put down rads as a second priority
7 but this is mostly based on the amount of tailings and the
8 activity of those tailings.

9 And finally, we had the chemical hazards.
10 Last year, staff saw many barrels, drums, some of them
11 empty. This year, we found one full or half-full which
12 I'll be describing to you later in this presentation.

13 This is an example -- you didn't see this
14 picture last year -- this is another example of the type
15 of overhead hazard that you find there.

16 I believe this picture is from around the
17 acid plant. It's -- it appears to be what -- the
18 overhanging structure appears to be a former utility
19 corridor for something. I'm not sure what it is but you
20 can see the planks -- the two planks hanging below and you
21 have nails. I believe you can see that fairly well on the
22 printed version of this presentation.

23 So that's one example of overhead hazards.

24 You saw this picture last year. This
25 picture is a picture of the inside of the acid -- the

1 mill, the roof is -- has partially collapsed.

2 This next picture here is unused asbestos
3 pipe insulation found in the maintenance building. You
4 can see it's still in fairly good shape. It was left
5 there and we assume that it's been there since the mid-
6 sixties.

7 Now, in the Commission's decision, the
8 Commission instructed SRC to continually monitor the site;
9 to take all measures necessary to reduce risks; to
10 immediately conduct an occupational health and safety
11 assessment of the site; and to establish a security
12 perimeter.

13 What staff found during its Gunnar site
14 inspection was continued unauthorized human activity. We
15 saw breached barriers to the mill and the acid plant and
16 we found a drum containing a toxic chemical.

17 The site inspection was followed by a
18 workshop for regulators. That is, SRC organized a
19 workshop for regulators, such as CNSC and other federal
20 and provincial departments or ministries to more or less
21 present what SRC had done in terms of progress for the
22 environmental assessment and, of course, for licensing
23 documentation that needs to be submitted to the CNSC in
24 order for us to consider recommending the issuance of a
25 licence.

1 What staff found was that the majority of
2 effort, so far, had been directed towards the development
3 of waste rock and tailings management.

4 Staff did not -- the feeling staff got was
5 that detailed plans to address the physical and chemical
6 hazards at Gunnar were only in the very early stages of
7 development.

8 So if we go back to the previous slide
9 where we have our priorities established, it would appear,
10 it is staff opinion the SRC maybe is looking in other
11 areas that are maybe low risk, lower risk anyways.

12 This picture, we have members who conducted
13 the inspection, but you see that school bus in the
14 background, that is the school bus used by a local
15 outfitter to ferry his clients and supplies, we assume,
16 from the airstrip to the boat launching area on the site
17 itself.

18 When staff was onsite we did see a number
19 of people getting into that bus and they drove away. We
20 did not get an opportunity to question them and these
21 people came back and left the school bus where you see it
22 now and rode back in their boat to the outfitting camp.

23 This picture, you may recall last year that
24 at last year's inspection we had found a number of heavy
25 equipment and motor watercrafts stored inside the

1 maintenance building. The outfitter was ordered to take
2 his equipment outside.

3 So what the outfitter did was he relocated
4 his equipment, the equipment that you see here, on the
5 soccer field. That is the former soccer field which is
6 part of the Gunnar site itself.

7 You have here an example of a breached
8 barrier; you see the door open. There's signage on the
9 door. This door was forced open; we're not sure exactly
10 when, we suspect sometime in late autumn, late fall, in
11 winter or very early spring.

12 This is the drum that we found in a very
13 dark room. The drum is labelled as containing carbon
14 tetrachloride and the drum appears to be about two-thirds
15 full.

16 Of course, we never want to move such a
17 drum but when we came back Saskatchewan Environment staff
18 advised CNSC staff that this drum was first identified in
19 1993 in the site assessment of the maintenance shop and
20 that it was moved to an area well protected from the
21 elements and, where in the unlikely event of spillage, all
22 volumes would be safely contained.

23 At the time of the inspection the drum was
24 said to contain about 25 gallons.

25 When that site assessment was done there

1 was no indication that the product inside the drum had
2 been tested.

3 But you can see there's a bit of rust.
4 There's more rust near the floor, the bottom of the drum,
5 but it is a special drum, it's not an ordinary steel drum
6 that we normally see. We were told that this type of
7 product was typically stored in special containers.

8 Here we found -- it's some sort of device,
9 but the device has a label on it, it's -- that contains
10 PCBs.

11 We -- when we were walking around we saw
12 that so we suspect that there are more cases such as these
13 where you have PCBs or equipment containing PCBs lying
14 around in the conditions that you see right now.

15 This concludes my part of the presentation.
16 Mr. Howard will now conclude the presentation.

17 Thank you.

18 **MR. HOWARD:** Thank you.

19 So basically CNSC staff does not consider
20 this site to be in a safe state of storage. Efforts are
21 not being directed towards high-risk areas. Occupation,
22 health and safety assessment of the site is still pending.
23 SRC has not submitted a plan to address the physical and
24 chemical hazards at Gunnar.

25 SRC's commitment to provide the CNSC with

1 licensing and environmental assessment documentation is
2 not progressing in the opinion of CNSC staff has expected.

3 Therefore, in conclusion, CNSC staff is of
4 the view that SRC is not addressing the high-risk physical
5 and chemical hazards in a timely manner and the order was
6 issued to -- is presented to the Commission today to
7 confirm, amend, revoke or replace the order, pursuant to
8 the rules of procedure.

9 Thank you.

10 **THE CHAIRMAN:** Thank you.

11 So before opening the floor for comments,
12 I'd like to turn the floor to SRC. Mr. Muldoon, do you
13 want to make any comments at this time?

14 **MR. MULDOON:** Yes, I do.

15 It's Joe Muldoon, for the record, for
16 Saskatchewan Research Council.

17 What I'd like to do is just to be able to
18 speak a little bit about what we have done onsite, give
19 you a very brief history, talk about actions that have
20 been taken to date and address some of the wording in the
21 order itself.

22 So first I guess what I would say is we
23 were -- Saskatchewan Research Council, we were contracted
24 by the province in October 2006 to begin work on the site
25 which essentially means we've been on -- the site was

1 abandoned in 1964. We were brought into the picture in
2 late 2006 and have started work.

3 Earlier in that year, in March 2006, there
4 was a study that was done on a site, a demolition strategy
5 was completed for the Gunnar Uranium Mine and that was
6 prepared by Denison Environmental Services in 2006 where
7 all of the buildings were examined and inventory of
8 materials and so on was taken and then a plan put together
9 for the demolition.

10 That was before we were brought into the
11 project but certainly that's background that has been used
12 and is part of the environmental assessment process, which
13 is currently underway.

14 When SRC took over the site we immediately
15 erected signs, conducted -- we still do conduct
16 inspections, welded doors closed, barricaded doors, and
17 certainly there are cases, there have been cases where
18 those doors have been broken in. We've gone back and
19 resigned them or signed area and rebarricaded those doors
20 and made efforts to secure the site.

21 We've increased our inspections. This was
22 previous to this year.

23 In 2009-2010, because we are in the middle
24 of an environmental assessment process, there has been a
25 very substantial increase of staff onsite, so we are out

1 on that Gunnar site on a fairly regular basis.

2 In the period from May to September, in the
3 off-period because the site is not available, it's only
4 available then by snow machine or on ice, we do not go out
5 onsite in the winter.

6 I had mentioned, we are currently working
7 through the environmental assessment process and that
8 process we deal with both federal and provincial
9 regulators and we cannot or could not, up until this
10 order, take any action to take any buildings down or move
11 containers onsite, et cetera. That's all subject to the
12 regulatory process which is ongoing.

13 In the environmental assessment process, as
14 one of the CNSC staff indicated, we have held regulator
15 meetings. This was an action that SRC took to try and
16 speed up the process and ensure that when we submit the
17 environmental assessment document, which is scheduled to
18 be submitted by the end of 2010, that we would --
19 basically there would be no surprises. And if we had the
20 regulators working with us, that we would hopefully be
21 able to get that through the federal-provincial regulatory
22 process in a timely manner.

23 Until we have -- now again, this is
24 separate from your order that's now been issued but until
25 we had that environmental assessment process completed and

1 basically a plan in terms of how the site would come down,
2 that would then allow us to complete the licensing process
3 that's required through CNSC.

4 And what we've done is we're trying to
5 parallel those two processes in terms of trying to
6 complete the CNSC licensing along with the EA, keeping in
7 mind that we can't do a lot of work on the licensing until
8 we have a good indication from the regulators in terms of
9 what options we would take to remediate the site and then
10 obviously build both the licensing documents and the OH&S
11 safety plan as well in terms of what to do with the
12 asbestos when we take the buildings down, how do we store
13 it, those kinds of things.

14 And I'll speak a little bit more to that
15 later on in my verbal presentation.

16 So that's where we were up until the order
17 was issued. The only other comment I would make is that
18 SRC -- these are public lands. SRC does not control
19 access to the site. We do not have the authority to
20 control access by outfitters and others. We have gone to
21 the province, to Saskatchewan Environment and have had
22 discussions regarding that airstrip and regarding access
23 to the site.

24 But I would repeat; we do not have control
25 over -- we cannot -- we can certainly fence and barricade

1 and so on but we cannot go to those outfitters and say you
2 cannot use the airstrip and those kinds of issues.

3 We have worked with the province to try and
4 have requested that the use be minimized and we would be
5 very happy -- and once the work starts, we're very hopeful
6 that there will be no access to that site at all. So I
7 guess I want to make that comment as well.

8 In terms of recent action, we were
9 certainly in that meeting in December. We did raise --
10 the meeting with CNSC in December, SRC was also raising
11 the issue of the safety of the buildings and very anxious
12 to get the regulatory process, the environmental
13 assessment process behind us so that we could start to
14 deal with the hazards that are onsite, keeping in mind
15 that those hazards have been there since 1964.

16 And we're wanting to make sure that we have
17 a complete plan when we go on site to be able to do the
18 work to bring contractors on to the area. Because there
19 is no access by road, bringing contractors in with the
20 type of machinery and so on that we're going to need, we
21 want to make sure that we do that in a fashion that
22 maximizes the use of the equipment and also obviously
23 looks after the hazards, that once we knock something
24 down, we're able to actually deal with that hazard.

25 For instance, we would have an approved

1 landfill where we could take those materials and deposit
2 them or come up with some sort of arrangement where we
3 don't actually increase hazards as opposed to decrease
4 them.

5 I guess, with respect to that December 9th
6 meeting, we closely followed the record of proceedings and
7 I was at the meeting and certainly understanding that
8 there are issues there. So I don't want to minimize that.
9 We understand that and we're anxious to do the work and
10 anxious to get those hazards released.

11 So don't -- we are very happy to comply
12 within the regulatory structure that we have to operate
13 within and if that's through the CNSC order, that's fine.
14 We'll certainly want to make it work. We're here to get
15 this site fixed. That's what we were hired to do.

16 In that December 9th meeting, I would quote
17 an area or an item that came out of the proceedings on
18 page 6, "Risk to the Environment or the Health and Safety
19 of Persons". I will just quote this one item and this is
20 kind of the basis that we're operating on.

21 "Based on current land uses, the
22 awareness of local residents, the
23 efforts of the Province of
24 Saskatchewan to mitigate hazards, and
25 the remoteness of the site, CNSC staff

1 is of the opinion that the risk to the
2 health and safety of humans or the
3 environment will remain very low."

4 Now that's through the exemption period
5 that we were seeking at that meeting. That's fully
6 understanding that we have the environmental assessment
7 process to go through and if the CNSC in their wisdom has
8 issued us an order, we certainly want to comply and move
9 forward. Public safety is obviously of paramount
10 importance.

11 The steps that we've taken since the order
12 was issued, we conducted media interviews on the northern
13 radio and in other media across the province asking the
14 public to stay away from the site. We are just in the
15 process of initiating weekly meetings in Uranium City
16 where we will be speaking to residents.

17 Again, word of mouth, we've already done
18 this but we want to make this a little bit more formal.
19 Commission Members may or may not be aware that when the
20 Gunnar mine was abandoned, about half of the city or the
21 town of Uranium City was also abandoned and they have
22 blocks of buildings that are in the same state of
23 disrepair as we find on Gunnar site.

24 So we do find it challenging when we talk
25 to local residents about the hazards with these types of

1 buildings when they literally have them across the street
2 from residences in Uranium City. So it is a
3 communications challenge for us but we still continue to
4 talk to the residents and ask them to please stay away
5 from the site.

6 We've asked the province to contact the
7 outfitters and ask them to stay away from the buildings.
8 We have asked the province to try and -- the sooner that
9 airstrip and the access is shut down, the better, from our
10 perspective.

11 We have increased our surveillance onsite.
12 We've hired a local contractor who has now been brought
13 onto the Gunnar site who's resealing the doors more
14 securely. We're increasing our fencing and our signage
15 there. This is what we're doing in the interim.

16 So I want the Commission to know that we
17 are not just waiting to see what's going to transpire
18 here. We are taking steps to safety that site as much as
19 we can.

20 So we have more regular surveillance.
21 We're also looking at surveillance for the off-season. Is
22 there -- perhaps there's a company or locals that we can
23 hire that will be able to get onsite to see if areas have
24 been -- either to prevent and/or to report on barricades
25 that have been broken, et cetera.

1 We are in the process of hiring a
2 contractor to conduct an OH&S review and a demolition
3 strategy. This is based on the order now. So we haven't
4 -- we're looking at actioning that order to conduct the
5 OH&S review.

6 That's absolutely critical in terms of the
7 type of machinery that we bring onsite in terms of air
8 control, pressurized cabins, et cetera, and looking then
9 at a demolition strategy that would allow that equipment,
10 put together an OH&S safety plan for both the public and
11 for the people that would be conducting that work, the
12 contractors.

13 And we would then put together a plan for
14 that demolition to take place in terms of what buildings
15 should come down, in terms of that pose physical hazards.

16 What hazards are we going to create by
17 taking those -- if there's some buildings where we might
18 increase physical hazards in terms of radiation and so on,
19 what can we do to safety those buildings until we get
20 through the EA process and what buildings should come down
21 immediately?

22 We're also working with the regulators, as
23 CNSC staff mentioned, to ensure that actions are
24 consistent as possible with the expected environmental
25 assessment outcomes. So that is some of the work that we

1 had just undertaken just in the last three weeks.

2 We are also -- I hadn't mentioned that in
3 these regulator meetings SRC has asked for the regulatory
4 process for the environmental assessment process to be set
5 up. We are wanting to get on site. If we can the
6 federal/provincial review done in a 12-month period we
7 will have our environmental process. We are on schedule
8 with the environmental assessment process.

9 If we're able to stay on schedule and get
10 that submitted before the end of 2010, which is the plan
11 and we are committed to that, if we can then get a
12 decision back from the federal/provincial regulators by
13 the end of 2011, that would basically mean December 2011,
14 that would then allow us to prepare tender documents to
15 get the equipment -- because most of this equipment, or a
16 lot of it, may need to come up by winter road. There's
17 only a barge available to get on site and the heavy
18 equipment that's required for this kind of work we think
19 will -- most of it or a lot of it will have to come up by
20 winter road.

21 Therefore, if we can get the
22 federal/provincial reviews done in a timely manner we
23 would be able to take full action on the site by the
24 summer of 2012. With this order we are prepared to again
25 work with the regulators -- CNSC is obviously a very

1 critical regulator for us -- to work with you to put
2 together an OH&S review and put a demolition strategy in
3 place and safety the site to the degree that we can do it
4 this summer; increase the surveillance; come back to CNSC
5 with a full plan in the fall of 2010 and start the
6 demolition of those buildings that we think are more
7 risky, that we don't want to leave for another year, and
8 start that work in the summer of -- or in the spring of
9 2011.

10 In terms of what we're looking for today,
11 I'll conclude with some of the wording in the document.
12 We would like to be able to have some discussions with the
13 Commission on the wording in the order. I'll just go
14 through it and then I'll obviously open -- I'll finish
15 with my verbal presentation and we can go from there, Mr.
16 Chair.

17 The first clause speaks to "Take all" --
18 it's number 2, "Take all reasonable steps to secure the
19 site." Again, we're very comfortable with reasonable
20 steps given the remoteness of the site and given what we
21 can do in terms of equipment this year. We're a little
22 concerned with the term "secure". That can mean many
23 things to many different people, so we're just wanting to
24 make sure that we take all the reasonable steps that are
25 necessary, like that everyone is comfortable with the term

1 "secure".

2 I think the biggest challenge or the
3 biggest discussion item that we want to bring to the
4 Commission today is in number 3 where it says,
5 "Saskatchewan Research Council shall immediately take
6 down" -- and it's the word "immediately" -- "take down all
7 buildings and structures that pose a physical risk to the
8 health and safety of the public." The key there is
9 "immediately take down".

10 We are concerned that we can't get
11 equipment on site. It's impossible from a safety
12 perspective to put a plan together and to get the
13 equipment to site. If it's immediately take steps to
14 begin that process, we are well on that road and we will
15 certainly work with the regulators to adhere to the order.

16 The only other one that I -- I think I'm
17 going to leave it at that. There are some challenges in
18 terms of -- when we were at the December 9th meeting we
19 felt that we were doing everything that we could do to
20 adequately address the safety of the site, given that we
21 have to work within the regulatory process, which is the
22 environmental assessment process.

23 So we were a little concerned with the --
24 and knowing that the environmental assessment process
25 would inform the occupational health and safety risks that

1 we would -- the study that we'd have to do on site. We
2 have every intention of doing that but we are waiting for
3 the environmental assessment process to conclude. So we
4 were a little concerned with some of the wording in terms
5 of the information.

6 The Saskatchewan Research Council takes
7 safety very, very seriously. We pride ourselves in
8 running a safe company and we want to ensure that we do
9 adhere to the instructions as given, given the
10 circumstances that we're operating under in northern
11 Saskatchewan. Thank you, Mr. Chairman.

12 **THE CHAIRMAN:** Thank you.

13 Let's open the floor for questioning, and
14 Dr. Barriault.

15 **MEMBER BARRIAULT:** Thank you, Mr. Chairman.

16 I guess, since you quoted from the
17 transcript of the meeting in December, I'd like also to
18 quote to you from the transcript. Item number 9,
19 Decision:

20 "Based on its consideration of the
21 matter, the Commission concluded that
22 SRC is qualified to carry on the
23 activity related to the ongoing
24 environmental assessment and licensing
25 process. The Commission is also

1 satisfied that SRC, in carrying on
2 that activity, will make adequate
3 provision for the protection of the
4 environment and the health and safety
5 of persons and the maintenance of
6 national security and measures
7 required to implement international
8 obligations to which Canada has agreed
9 therefore."

10 I guess -- do you think you've fulfilled
11 that obligation to protect the environment, the public?

12 **MR. MULDOON:** We have taken many steps in
13 terms of the signage, in terms of the increased
14 surveillance.

15 **MEMBER BARRIAULT:** That is not what I
16 asked. Are you satisfied that you protected the public?
17 I don't think so. The site hasn't changed from what we
18 saw in December and here we are, what, seven months later?

19 **MR. MULDOON:** We are not able to tear those
20 buildings down. We currently cannot tear those buildings
21 down without regulatory approvals.

22 **MEMBER BARRIAULT:** Can you secure them?

23 **THE CHAIRMAN:** Excuse me, can I interrupt
24 here?

25 Where do you get this? I hear you

1 repeating continuously that the environmental assessment
2 must be completed before you can take any kind of
3 immediate action to deal with obvious safety issues. CEA
4 itself, the environmental assessment process, allow you to
5 go in and deal with immediate safety issues, regardless of
6 the environment.

7 So please don't keep repeating that the
8 environmental assessment prevents from you taking action.
9 That's the whole debate we had in December about getting
10 in there and fixing it up while you're doing the
11 environmental assessment, not after you're doing the
12 environmental assessment.

13 Would you like to react that?

14 **MR. MULDOON:** I guess I have a question.
15 Would that mean, Mr. Chairman, that we could go in and
16 tear buildings down before the environmental assessment
17 process is concluded? Given now, with the order, we can.
18 But without this order, if we had done that -- I didn't
19 think that we could.

20 **THE CHAIRMAN:** Yes, you can, because
21 anything that represents hazard is number one priority and
22 that's exactly why we put -- why the order was issued, if
23 I understand correctly with staff.

24 Staff, you want to comment on that?

25 **MR. HOWARD:** Thank you, Mr. President.

1 Yes, basically, what -- SRC could have come
2 to the CNSC and basically proposed to say, "These
3 buildings are unsafe; we want to take them down."

4 We could have, you know, provided them
5 approval to go ahead and do that pursuant to an article
6 under the *Canadian Environmental Assessment Act*. That can
7 easily be done.

8 Right now we issued the order because for
9 our inspection that we just conducted, we seen the
10 condition of the buildings and there is an immediate
11 hazard, so we issued an order to deal with them
12 immediately.

13 **THE CHAIRMAN:** I thought that was very
14 clear.

15 Anything that you need further
16 clarification on that, Mr. Muldoon?

17 **MR. MULDOON:** The order is clear and we are
18 taking actions. We're taking immediate action to start
19 the process of tearing down the buildings.

20 Mr. Chair, we ---

21 **THE CHAIRMAN:** Sorry, you're talking about
22 a year, about bringing heavy equipment over land, if I
23 understand correctly.

24 Somebody explain to me what can be done
25 immediately, like right now, in terms of mitigating this

1 issue. And it may not necessarily be bringing down all
2 the buildings but it may at least take up some of the
3 safety -- the obvious safety concern.

4 Staff, you want to comment on that?

5 **MR. HOWARD:** Thank you. Don Howard, for
6 the record.

7 Basically we recognize that there is an
8 issue of isolation of the site and getting equipment in
9 there but even if the buildings need to be taken down and
10 until you get the equipment in you can secure the site,
11 you can put up eight-foot fences around certain buildings
12 that are on the verge of collapsing or whatever, to
13 mitigate the hazard, the physical hazard to anybody that's
14 -- you know, trying to keep people out rather than letting
15 them get into the buildings, as a minimum until they can
16 get a plan and get the equipment in place and then start
17 looking at taking them down.

18 So that's what we meant by -- the second
19 item in our order was to take all reasonable steps to
20 secure the site, to secure the buildings so there's no
21 further intrusion, so people are not exposed to physical
22 hazards, chemical hazards or radiological hazards in the
23 buildings.

24 **THE CHAIRMAN:** But do you need heavy
25 equipment to -- can you do anything without heavy

1 equipment? Let me ask you the following.

2 **MR. MULDOON:** We absolutely can and have
3 started -- oh I'm sorry, Mr. Chairman, I thought you were
4 talking to me.

5 **THE CHAIRMAN:** Go ahead, since you started,
6 go for it.

7 **MR. MULDOON:** I'm sorry; I thought you were
8 addressing that question to me, Mr. Chairman. No, I'll
9 wait.

10 **THE CHAIRMAN:** Go ahead. The question is
11 can you do anything without heavy equipment immediately?

12 **MR. HOWARD:** I'll ask Claude David to
13 respond to that because he was up on the site in early
14 June.

15 **MR. DAVID:** It's Claude David, for the
16 record.

17 There are things that can be done without
18 the very big heavy equipment. We saw pictures of overhead
19 hazards, for example. These can be taken down very
20 easily.

21 What staff would really like to see is that
22 structural assessment of the buildings conducted as soon
23 as possible and also an update of the inventory of the
24 chemicals that are still inside those buildings.

25 The drum that we found, carbon

1 tetrachloride, is -- we can characterize it as being a
2 very nasty chemical.

3 **MEMBER BARRIAULT:** It's a known carcinogen.

4 **MR. DAVID:** It is.

5 **MEMBER BARRIAULT:** Yes. And so is PCB.

6 **MR. DAVID:** You basically need an expert to
7 go in there just for that particular drum to assess the
8 condition of the drum, to ascertain what the product is
9 inside that drum, and that person will probably be dressed
10 with full gear, full protection.

11 We have the material safety data sheet here
12 with us and they suggest full-face positive respiratory
13 equipment, which is the highest level of protection that
14 you need to deal with this type of chemical.

15 And we're not sure what other chemicals are
16 there right now. We stumbled on this drum because we had
17 a flashlight.

18 **THE CHAIRMAN:** Mr. Muldoon, you were about
19 to tell us about what can be done now without heavy
20 equipment.

21 **MR. MULDOON:** Absolutely, and in the
22 fencing and securing the sites, absolutely. If there's
23 overhangs that we can bring down with a small backhoe and
24 that kind of equipment, yes, that's the kind of work that
25 we're doing.

1 The structural assessment that CNSC staff
2 spoke to, we have that scheduled to happen in July and we
3 have asked this company that we're currently dealing with
4 to bring in a hazardous chemical specialist as well,
5 structural engineer, hazardous chemical specialist and
6 demolition specialist to -- and this would be based on the
7 order to do that work, absolutely.

8 **THE CHAIRMAN:** Okay, thank you.

9 Dr. Barriault?

10 **MEMBER BARRIAULT:** I'd like to continue my
11 line of questioning, if I may. Is there any heavy
12 equipment in Uranium City that can be brought down; is
13 there barges available?

14 **MR. MULDOON:** There is a barge, it's a
15 matter of the size of the equipment and the -- whether the
16 barge can handle that, whether it has to be partially
17 dismantled is part of the challenge and also whether
18 there is the proper pressurized cabins, those kinds of
19 things.

20 We haven't looked at that enough yet to
21 know.

22 **MEMBER BARRIAULT:** I guess ---

23 **MR. MULDOON:** But there is some equipment
24 at U City but we don't know whether they -- we don't think
25 that they have that kind of equipment, we -- that's part

1 of what we'll be checking into here in July.

2 **MEMBER BARRIAULT:** I guess I'm a little
3 confused really. If I understand correctly, there's been
4 8 out of 24 million spent already and yet we still don't
5 have a site secured that's got known carcinogens, that's
6 got physical hazards, it's got -- you know, radiological
7 contaminants.

8 I'm confused and I guess I'm confused to
9 the point that I'm questioning whether SRC has the ability
10 to do the work.

11 Correct me if I'm wrong and it's just my
12 own thinking.

13 **MR. MULDOON:** Well, I think that we -- I
14 think that SRC is working -- we've been on the project now
15 for three years. We have taken that site a long, long
16 ways over the last three years.

17 For the most part we don't -- as I said, we
18 try to work and will continue to work with the regulators
19 in terms -- including the Province, for access in terms of
20 limiting the access to the site.

21 We will -- we have fenced some areas off,
22 we'll fence further areas off and we are working very
23 diligently with the contractors to do the work that needs
24 to get done.

25 **MEMBER BARRIAULT:** Do you have security

1 guards up there? Do you have security guards guarding the
2 site?

3 **MR. MULDOON:** No, we do not.

4 **MEMBER BARRIAULT:** So all you have is a
5 fence and is the fence around the complete perimeter?

6 **MR. MULDOON:** No, it's not.

7 **MEMBER BARRIAULT:** So there's not a fence
8 around the perimeter either. So in reality there's
9 nothing preventing people from having access to that site,
10 is there?

11 **MR. MULDOON:** No, there's not.

12 **MEMBER BARRIAULT:** No.

13 Well, I rest my case. I'm sorry, Mr.
14 Chairman. No further questions.

15 **THE CHAIRMAN:** Mr. Graham?

16 **MEMBER GRAHAM:** I don't know whether, Mr.
17 Muldoon, you're missing the picture or what, but you've
18 been at the -- you had this, you said, for three years and
19 we still get pictures today that were taking in 2010 of
20 real physical hazards to the public.

21 My observation is that if this was a
22 private corporation you'd have been bankrupt three years
23 ago.

24 What you're doing is you're -- we've heard
25 nothing but excuses this afternoon. You may be doing some

1 things but they're not good enough for the Commission;
2 they're not good enough for the public. If these
3 structures were in downtown Saskatoon I don't think they'd
4 have lasted for three years while you studied everything.

5 So the message is, I believe, that you have
6 an order and that order, I don't -- as a Commission
7 Member, I don't think we should alter it at all. I think
8 "we shall" and Item 2 and Item 3, you've got a job to do;
9 you can get equipment by barge; you can get equipment in
10 by winter.

11 The way you gave us the scenario a few
12 minutes ago was that by the end of 2011 you'd be ready to
13 start. And that's not good enough; 2011 to start doing
14 the demolition and everything else, that may be the next
15 step but you have a lot of hazardous materials. There has
16 to be an assessment, an inventory; there has to be
17 buildings that are hanging like like we saw. Those have
18 to be brought down, whether it's a small backhoe or big
19 backhoe. I've had experience in moving things in the
20 Arctic and the backhoes can go on barges, excavators can
21 go on barges.

22 I think what you need to do is get on with
23 the job, get on with the order because the public are at
24 stake and the safety of the public are at stake and we
25 don't need excuses, we just need to get on with the job.

1 **THE CHAIRMAN:** You care to comment or we
2 move on to the next question?

3 **MR. MULDOON:** I just wanted to make one
4 correction there; our plan was to secure the site, do some
5 of those overhead areas that we -- the things that we can
6 do this year that we would do and then we would start the
7 building demolition, the major building demolition, in the
8 spring of 2011.

9 So that's the spring of 2011 that we would
10 start that work, as soon as we can bring the heavy
11 equipment on site by winter road and by barge as well, but
12 that we would move smaller equipment on site this year and
13 be able to do some level of work this summer once we get
14 the structural engineer and get some of the specialists
15 out there.

16 So basically the -- and secure the site as
17 well. So that we've got work -- I just want to make the
18 correction; that work would be done in 2011 per the order.

19 **MEMBER GRAHAM:** The order says Item 2
20 Saskatchewan Research Council shall immediately take all
21 reasonable steps to secure the site and I think all
22 reasonable steps would be to demolish those buildings that
23 are a hazard; not all the buildings, but the ones that are
24 a hazard -- to do the proper fencing, to do the proper
25 inventory of hazardous chemicals on the site, to prepare

1 tenders for next year and so on but there's some things
2 that have to be done immediately, not wait until next year
3 and the pictures that we have certainly indicate that you
4 haven't taken all those steps and the order says you shall
5 do that.

6 **THE CHAIRMAN:** Okay.

7 **MEMBER TOLGYESI:** Merci, monsieur le
8 président. I'm sorry, Mr. Muldoon, you didn't answer.
9 Was the \$8 million spent of \$24 millions which were
10 dedicated to this?

11 **MR. MULDOON:** No. Of that \$24 million that
12 was allocated was to also clean up 35 smaller sites that
13 don't fall under licensing. We've done work on those
14 satellite sites as well per our contract with the province
15 and so there's been some of those \$8 million were -- a lot
16 of that \$8 million was done to fund studies that had been
17 completed over the last five -- number of years prior to
18 us coming on to the project. Some of that \$24 million was
19 spent in some of those studies that were done at Gunnar
20 and some of that money was also spent for the cleanup of
21 the satellite sites that does not include Gunnar.

22 **MEMBER TOLGYESI:** So If I'm looking
23 specifically to Gunnar, of the 24 million how much was
24 designated to Gunnar and how much was spent there?

25 **UNKNOWN SPEAKER:** Only \$2 million was

1 satellites.

2 **MR. MULDOON:** Two million (2,000,000) has
3 gone to satellites and I don't know how -- I don't have
4 those numbers. I can make those numbers available to the
5 Commission; I don't have those in front of me today.

6 **MEMBER TOLGYESI:** Because right now it
7 seems that \$8 million is quite expensive for paper
8 shuffling so I believe that order was given because you
9 didn't fulfil your commitment, your obligation and what
10 I'm hearing now that you are late to do that because of
11 this order so I think let's go for it.

12 I mean I cannot have any further comments.
13 Just start -- start, maybe tonight is too late, but
14 tomorrow morning.

15 **THE CHAIRMAN:** Thank you. Dr. McDill?

16 **MEMBER McDILL:** Thank you. With respect to
17 Item 18 in the CMD -- or the record of proceedings
18 including the Reasons for Decision, did the outfitter
19 provide a report to Saskatchewan Labour officials on the
20 potential exposure to friable asbestos? Does either staff
21 or SRC know the answer to that?

22 Okay, I'll try. SRC, do you have the
23 answer to that?

24 **MR. MULDOON:** No we do not.

25 **MEMBER McDILL:** Staff?

1 you have been giving advice to SRC with respect to CEAA
2 and the immediate issue of immediate hazards?

3 **MR. HOWARD:** Don Howard for the record.

4 The environmental assessment that's being
5 conducted for Gunnar is being lead by the Saskatchewan
6 Government to start off with so we put that into
7 perspective.

8 So when we discuss things with the SRC is
9 basically to explain the CNSC regulatory process and EA
10 process. Now there's nothing that stopped SRC to propose
11 to the regulatory agencies whether it's federal or
12 provincial that in their estimation that these buildings
13 were unsafe. There are hazards on the site and they
14 wanted to deal with them right away.

15 That could have been received and
16 permitted, you know, within the rules of the CEAA and the
17 CNSC process for licensing. That could have been
18 accomplished very easily but since, you know, basically we
19 have had -- SRC has not come to CNSC staff to request that
20 or explain that these buildings were unsafe and to propose
21 mitigative measures to deal with them.

22 So I guess maybe there could be a line of
23 communication -- a misunderstanding but I guess SRC, as
24 the agency responsible for the site, as the individual
25 responsible to maintain the site, to secure the site, to

1 make sure it's in a safe state to protect human health and
2 the environment -- they haven't been accomplishing that
3 over the last -- since 2006.

4 **MEMBER McDILL:** It concerns me that there
5 is such a disconnect between staff and the proponent and
6 the province in this matter.

7 Thank you, Mr. Chair.

8 **THE CHAIRMAN:** Okay, let me try to
9 summarize.

10 First of all if we seem to be a bit
11 aggressive here, Mr. Muldoon, you should know that we
12 consider this site to be under our responsibility. You
13 keep making reference to many, many regulators. As far as
14 we are concerned, we are the regulator here and we would
15 like to make sure that both our staff and your staff from
16 hereon, moving forward, can come up with some game plan
17 that will see results immediately.

18 And I think that the order gave you the
19 authority to proceed without any questioning and if you
20 discuss with the Department of the Environment, discuss
21 with the Department of Labour -- if they have any beef
22 tell them to give them my phone number, okay?

23 It is -- tell me if we are now bestowing
24 the authority for you to move forward with whatever you
25 can actually do immediately and we really would like to

1 see some immediate action.

2 So in reply to this order, we would like to
3 see times -- you know, time element, action items, what
4 can be realistically achieved immediately. Sometimes
5 they're long term; and I'd like it to be a joint venture
6 between our staff and your staff so we can actually
7 demonstrate some progress here.

8 How does that sound to you?

9 **MR. MULDOON:** That sounds just fine. We're
10 fully prepared to work with CNSC staff to move us down the
11 road. Absolutely no question.

12 **THE CHAIRMAN:** Do you have the authority --
13 you feel that you're now, through this order, the
14 authority to unilaterally to move forward?

15 **MR. MULDOON:** That's what you're telling
16 me, yes.

17 **THE CHAIRMAN:** Okay. Sounds good.
18 Staff, anything you want to add to this?

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

20 The only thing I can add, Mr. President, is
21 that as I said, the order was to take care of immediate
22 hazards. It was not meant to remediate the site
23 completely. That has to be -- the EA has to be done and
24 licensing has to be accomplished. This is just to take
25 care of immediate hazards that are on the site.

1 **THE CHAIRMAN:** So what can we do to -- if
2 we were to clarify and improve on this order in terms of
3 text? What is it we can put here that everybody knows
4 what is required here. Can we put any time elements here?

5 **MR. HOWARD:** I think from what you have
6 just indicated that we would be prepared to work with SRC
7 to come up with a game plan, looking at what actions can
8 be taken immediately, what kind of scheduling we can put
9 in place to make sure that the site is secure, it is safe.

10 Some of the immediate hazards can be
11 addressed this summer, like overhangs and things of that
12 nature. You know, properly secure the site whether it's
13 fencing or some measure to make sure that intrusion by the
14 public is limited to quite an extent.

15 **THE CHAIRMAN:** Okay.

16 Dr. McDill?

17 **MEMBER McDILL:** Thank you.

18 Can we also find out if the outfitter did
19 provide a report to Saskatchewan Labour and if the
20 outfitter did not provide a report to Saskatchewan Labour,
21 what possible remedy there is to that, please?

22 **THE CHAIRMAN:** And also somebody mentioned
23 -- I think it was Mr. Muldoon -- that there was a
24 demolition plan actually crafted and provided. It would
25 be also useful to take a look at what that plan might

1 contain.

2 Okay. Anything else?

3 Dr. Barriault.

4 **MEMBER BARRIAULT:** Just one brief
5 statement.

6 You had mentioned earlier about shutting
7 down the airstrip and I've got serious concerns about that
8 really. Airstrips up north are like Circle Drive around
9 Saskatoon. You proceed to shut that down and I think
10 you'll be in big trouble with the local people.

11 And if it's the airstrip that they need to
12 access that area, I think there may be some difficulty
13 there. That's all, really, because I've used airstrips in
14 the north and they're not only an issue of transportation,
15 but they're also a very strong safety issue to land in the
16 event of inclement weather and whatnot. So I think you
17 would become very unpopular very fast if you proceeded to
18 close the airstrip down. That's all, really.

19 **THE CHAIRMAN:** Okay. Anything else?

20 Okay, thank you.

21 So thank you for this discussion and this
22 concludes our opportunity to be heard.

23 That's it. Thank you.

24 --- Upon adjourning at 8:05 p.m.

25