

Record of Proceedings, Including Reasons for Decision

In the Matter of

Applicant Cameco Corporation

Subject Environmental Assessment Track Report
Regarding Cameco Corporation's Vision 2010
Project for the Conversion Facility in Port Hope,
Ontario

Hearing
Date November 6, 2008

RECORD OF PROCEEDINGS

Applicant: Cameco Corporation

Address/Location: 1 Eldorado Place, Port Hope, Ontario L1A 3A1

Purpose: Environmental Assessment Track Report Regarding Cameco Corporation's Vision 2010 Plan project for the Conversion Facility in Port Hope, Ontario

Letter of Intent received: June 22, 2006

Date of hearing: November 6, 2008

Location: Canadian Nuclear Safety Commission (CNSC) Public Hearing Room, 280 Slater St, 14th. Floor, Ottawa, Ontario

Members present: M. Binder, Chair A. Harvey
 A. Graham R. Barriault
 M. McDill D. Tolgyesi
 C. Barnes

Secretary: M.A. Leblanc
 Recording Secretary: P. Reinhardt
 Senior General Counsel: J. Lavoie

Applicant Represented By	Document Number
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Intervenors	Document Number
See Appendix A	

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Introduction

1. Cameco Corporation (Cameco) notified the Canadian Nuclear Safety Commission (CNSC¹) of its intent to seek CNSC's approval for its Vision 2010 Project to redevelop the Port Hope Conversion Facility (PHCF) in Port Hope, located 100 kilometres east of Toronto on Lake Ontario. The proposed Vision 2010 Project includes the following components:
 - Decommissioning and demolition of a of number buildings, including three buildings that are or were Class 1B nuclear facilities for the refining or conversion of uranium;
 - Removal of contaminated soils (125,000 m³), building materials (19,000 m³), and stored historic wastes (6,000 m³) and transportation of these wastes to the Long Term Waste Management (LTWM) facility to be constructed in conjunction with the Port Hope Area Initiative (PHAI) project, a joint federal-municipal undertaking for the clean-up and the long-term management of low-level radioactive and industrial waste in Port hope;
 - Site remediation and restoration; and
 - Construction of new buildings, additions to existing buildings and related infrastructure and landscaping.
2. CNSC's authorization of Cameco's project would ultimately require a licensing action through an amendment of the current Fuel Facility Operating Licence and/or the issuance of a decommissioning licence. Before considering Cameco's application for a licence under the *Nuclear Safety and Control Act*² (NSCA), the Commission must determine the results of an environmental assessment (EA). This includes making a decision on the potential for the project to cause adverse environmental effects and determining a subsequent course of action under the *Canadian Environmental Assessment Act*³ (CEAA). As Cameco's project falls within the *Comprehensive Study List Regulations*⁴ of the CEAA, the CNSC is required to submit an Environmental Assessment Track Report to the federal Minister of the Environment (the Minister of the Environment) including a recommendation on the proposed track for the EA. The possible tracks are to either continue the EA as a Comprehensive Study or refer the EA to a review panel or mediator. The CNSC is the sole responsible authority⁵ (RA) for this EA.
3. In carrying out this responsibility under the CEAA, the Commission must also determine the scope of the project and the scope of the assessment. To assist the Commission in this regard, CNSC staff prepared a draft Environmental Assessment Scoping Document (EA Guidelines) in consultation with other government departments, the public and other stakeholders. The draft EA Guidelines regarding *Cameco Corporation's Proposal for the*

¹ The *Canadian Nuclear Safety Commission* is referred to as the "CNSC" when referring to the organization and its staff in general, and as the "Commission" when referring to the tribunal component.

² S.C. 1997, c. 9.

³ S.C. 1992, c. 37.

⁴ SOR/94-638.

⁵ Responsible Authority in relation to an EA is determined in accordance with subsection 11(1) of the CEAA.

Redevelopment of the Port Hope Conversion Facility (Vision 2010 Project) in Port Hope, Ontario contains statements of scope for the approval of the Commission. The draft Scoping Document is appended to the EA Track Report included in CNSC staff's document CMD 08-H20.

Issues

4. In considering the Scoping Document, the Commission was required to decide on, pursuant to subsections 15(1) and 16(3) of the CEAA respectively:
 - a) the scope of the project for which the EA is to be conducted; and
 - b) the scope of the factors to be taken into consideration in the conduct of the EA.
5. Pursuant to paragraph 21(1) and 21(2)(a) of the CEAA, the Commission was also required to report to the Minister of the Environment regarding:
 - (i) the scope of the project, the factors to be considered in its assessment and the scope of those factors;
 - (ii) public concerns in relation to the project;
 - (iii) the potential of the project to cause adverse environmental effects; and
 - (iv) the ability of the Comprehensive Study to address issues relating to the project.
6. Pursuant to paragraph 21(2)(b) of the CEAA, the Commission was also required to recommend to the Minister of the Environment that CNSC continue with the EA by means of a Comprehensive Study, or that he refers the project to a mediator or a review panel. Conditional to the Minister of the Environment taking the action recommended under subsection 21.1(1) of the CEAA, the Commission can also delegate any part of the Comprehensive Study for the preparation of the comprehensive report, as well as any part of the design and implementation of a follow-up program, pursuant to section 17 of the CEAA.

Public Hearing

7. The Commission, in making its decision, considered information presented for a public hearing held on November 6, 2008 in Ottawa, Ontario. The hearing was conducted in accordance with the Commission's process for determining matters under the CEAA. In establishing the process, the Commission determined that it was appropriate to hold a public hearing on the matter. During the public hearing, the Commission received written submissions and heard oral presentations from CNSC staff (CMD 08-H20 and Cameco (CMD 08-H20.1 and CMD 08-H20.1A)). The Commission also considered oral and written submissions from 10 intervenors (see Appendix A for a detailed list of interventions).

Decision

8. Based on its consideration of the matter, as described in more detail in the following sections of this *Record of Proceedings*,

the Canadian Nuclear Safety Commission

- a) approves, pursuant to sections 15 and 16 of the CEAA, the Project-Specific Guidelines and Comprehensive Study Scoping Document, regarding *Cameco Corporation's Proposal for the Redevelopment of its Port Hope Conversion Facility (Vision 2010 Project) in Port Hope, Ontario*, the scope of the project, assessment factors and scope of assessment factors, as presented in the document;
- b) will submit to the Minister of the Environment the EA Track Report set out in CMD 08-H20, pursuant to paragraph 21(2)(a) of the CEAA;
- c) will recommend to the Minister of the Environment to continue with the environmental assessment by means of a Comprehensive Study, pursuant to paragraph 21(2)(b) of the CEAA; and
- d) conditional to the Minister of the Environment taking action recommended under subsection 21.1 (1) of the CEAA, will delegate the Comprehensive Study of the project and certain public consultation activities to Cameco Corporation.

Issues and Commission Findings

Application of the CEAA

Federal Coordination

9. The CNSC is the only identified responsible authority under the CEAA for this Comprehensive Study. Through application of the CEAA *Federal Coordination Regulations*⁶, Natural Resources Canada, Environment Canada, Health Canada, Transport Canada and the Department of Fisheries and Oceans (Fish Habitat Management) have been identified as Federal Authorities for providing expert assistance to the CNSC during the EA.

⁶ SOR/97-181.

10. CNSC staff reported that it had consulted with the Ontario Ministry of the Environment and confirmed that there were no provincial EA requirements under the *Ontario Environmental Assessment Act*⁷ that were applicable to the proposal.

Scope of the Project

11. Cameco's Vision 2010 Project includes the following concurrent major activities: decommissioning of buildings designated as Class 1B Nuclear Facilities under the NSCA used for refining or converting uranium; demolition of buildings currently on the site; site remediation and restoration; construction of new buildings; and additions to existing buildings and related infrastructure. Associated activities considered within the scope of the project include remediation and restoration of the site, management of contaminated process equipment and contaminated soils, hazardous and conventional waste, transportation of waste to the proposed Long-Term Waste Management Facility (LTWMF) or to a conventional waste landfill site, and transportation of equipment and materials to and from the project site. The associated activities also include the construction, operation and decommissioning of new buildings. Cameco noted that the Vision 2010 Project does not include any dredging or work in the harbour.
12. Clean-up work and remediation of the Port Hope Harbour are included in the Port Hope Area Initiative (PHAI) project, a joint federal-municipal undertaking for the clean-up and the long-term management of low-level radioactive and industrial waste in Port Hope. An environmental assessment for the PHAI was completed in early 2007 and the project is currently in the licensing stage.
13. CNSC staff described the scope of the project in Section 2.1 of the EA Guidelines included in the EA Track Report. As part of its presentation to the Commission, CNSC staff explained the purpose of the Vision 2010 Project and described the physical works associated with the project.
14. The Commission sought more information from Cameco on the link between the Vision 2010 Project and the PHAI. The Commission wanted to have a better understanding on the timing of the two projects and to what extent the starting of the excavation for the Vision 2010 Project was dependent of the readiness of the LTWMF that is part of PHAI.
15. Cameco responded that the Vision 2010 Project originated from the opportunity that was presented through the PHAI to deal with the historic low level waste material in the Municipality of Port Hope. The LTWMF would receive some waste generated by the Vision 2010 Project, thus linking the two projects.

⁷ R.S.O. 1990, C. E.18.

16. Cameco added that the two projects needed to be synchronized so the PHAI LTWMF can receive the waste material from the Vision 2010 Plan project. It also added that, for the last several years, the PHAI team and the Vision 2010 Plan team have been working together so that each team was aware of the other's expected plans and schedule. Cameco pointed out that the present EA would need to consider what kind of contingencies might be required in the event the PHAI project was not able to receive the waste material.
17. The Commission requested from Cameco that this contingency plan be included in the EA so that the waste designated for the PHAI LTWMF could be transferred to another safe site without compromising public safety. The Commission added that such a plan had been requested by several members of the public in their comments on the proposed Guidelines.
18. The Commission asked Cameco on the potential start date of the Vision 2010 Project. Cameco answered that the project could not start until the LTWMF was constructed as part of the PHAI project. Cameco added that the PHAI would not start earlier than April 2011, subject to federal funding, although this date has yet to be confirmed.
19. The Commission asked CNSC staff for more information on the licensing stage of the PHAI project. CNSC staff reported that Atomic Energy Canada Limited (AECL), the applicant for the PHAI, had submitted a number of documentation in support of its licence application, with more expected in the first half of 2009. CNSC staff noted the possibility that, if the documentation is satisfactory, the licence could be issued in 2009.
20. In its intervention, the Municipality of Port Hope sought further information on Cameco's plan for the waste that would be in excess of the 150,000 cubic metres allotment to be transferred to the LTWMF. Cameco responded that contaminated waste would be transferred to a licensed landfill located in the United States.
21. CNSC staff added that the EA Guidelines require Cameco to assess the impacts of demolition and packaging of the waste material and its transportation to a licensed waste management facility. There is no requirement for the proponent to identify the location of a specific licensed facility for the transportation of the waste that could not be transported to the LTWMF. CNSC staff explained that there were requirements under the EA to assess the proposed activities that could result in potential environmental impacts which include the transportation of material to a licensed waste management facility and the appropriate mitigation measures.
22. Taking into consideration the information presented, the Commission concludes that the scope of the project has been adequately determined for the purpose of the Scoping Document.

Scope of the Assessment

23. CNSC staff stated that the assessment factors would include all of the factors identified in subsections 16(1) and 16(2) of the CEEA. The mandatory factors as stated in subsection 16(1) of the CEEA are: the environmental effects of the project, including those that may be caused by malfunctions or accidents and any cumulative environmental effects with other projects; the significance of the effects identified above; the comments received from the public in accordance with the CEEA and its regulations; and the technically and economically feasible measures that would mitigate any significant adverse environmental effects of the project. The mandatory factors as stated in subsection 16(2) of the CEEA are: the purpose of the project; alternative means of carrying out the project; the need for and requirement of a follow-up program; and the capacity of renewable resources that are likely to be significantly affected by the project to meet the needs of the present and those of the future.
24. CNSC staff added that the Commission, with the discretion allowed for in paragraph 16(1)(e) of the CEEA, also requires that consideration of traditional and local knowledge be included in the factors as well as the need for and the benefits of the project.
25. The Commission asked Cameco about the robustness of the drums used to store the existing 6,000 cubic metres of contaminated material to be transported to the LTWMF. The Commission wanted to be reassured that the drums could be used for a longer period if the project was delayed, without leaking into the environment.
26. Cameco responded that the drums needed maintenance and that some may also require repackaging. Cameco added that part of the proposed transportation activity to the waste management facility included repackaging due to the fact that the volume of the actual drums was not corresponding to the space available in the LTWMF. Cameco stated that the drums were constantly under supervision to detect any potential leak.
27. The Commission wanted to be reassured that Vision 2010 Project would not result in a change of production at Cameco's site that could have effects on the environment. Cameco responded that the new buildings proposed in the project were service buildings, such as new laboratory facilities and new stock warehousing facilities. Cameco added that the removal of some of the buildings was also needed to access the soil under them. Cameco explained that, by using more organized space, the site would be more efficient and safer and this would result in reduced vehicular traffic and pedestrian-vehicle interactions. Cameco confirmed to the Commission that Vision 2010 Project by its nature was not increasing or changing production levels on the site.
28. The Commission asked Cameco how the leaking of contaminated material into the harbour or into Lake Ontario would be controlled during the Vision 2010 Project. Cameco responded that the potential project's interactions with the environment and the mitigation actions to reduce these interactions were addressed in the Guidelines. Cameco added that, as the assessment moves forward, these mitigations actions would be redefined and new ones would be added to the project.

29. The Municipality of Port Hope, in its intervention, expressed concerns on the cumulative effects resulting from the overlapping of Vision 2010 Project and PHAI activities related to the harbour cleanup and the remediation of contaminated sites in Ward 1 of Port Hope. The Municipality requested that these activities be examined specifically to identify all the possible measures to mitigate their effects on the community. CNSC staff responded that the Environmental Impact Statement (EIS) was expected to be as comprehensive and detailed as possible and that it would be reviewed to make sure that overlapping activities are considered in the cumulative effects assessment. CNSC staff also added that issues related to accumulation of contaminants in the soil would also be considered in the EIS based on all the information available from monitoring data of various sources available for the Port Hope area.
30. The Commission asked Cameco about the emergency plan in place to address potential critical situations linked to the presence of hydrogen and nitrogen tanks on site. Cameco responded that there was a very active emergency response capability within the facility that included highly trained individuals able to respond to emergencies. Cameco added that there was also coordination with the Municipality of Port Hope as part of the emergency response, which included regular communication and sharing of the emergency response plan details. Cameco confirmed that there would be an emergency drill very soon at the facility.
31. In addition, the Commission asked Cameco, in regards with its proposed organizational chart for the Vision 2010 Project, why so many positions were filled by contractors instead of Cameco employees. Cameco responded to the Commission that at this early stage of the project, the project requires the work of consultants but that there was also an existing team of Cameco employees providing guidance to these experts. Cameco noted that as the project would move forward to the construction phase and implementation phase, the nature of the organizational structure would change accordingly.
32. The Commission asked CNSC staff if it was satisfied with the organizational chart proposed by Cameco, in particular the ratio, expertise and reporting relationships between Cameco staff and contractors. CNSC staff responded that at the environmental assessment stage of the project, the organizational structure and the expertise that has been identified to support the environmental assessment and the engineering planning required was appropriate. CNSC staff expects that the organizational structure will change to include more Cameco staff when the assessment is completed and if the project proceeds to licensing.
33. The Commission is satisfied that the proposed factors outlined in section 2.2 of the *Proposed Environmental Assessment Guidelines* are appropriate and meet the requirements of the CEAA, whether the CNSC continues with the Comprehensive Study or if the project is referred to a Review Panel or a mediator.

34. The Commission considered the scope of the factors to be assessed as proposed by CNSC staff in the Scoping Document. Specific issues raised by the Commission and intervenors at the hearing with respect to the scope of factors are described in the following paragraphs.

Project Description

35. CNSC staff noted that the main objective of the project description is to identify and characterize the specific components and activities that have the potential to interact with the surrounding environment under both normal operations and malfunctions and accidents. The description of the project refers to items identified in the project scope, supported with appropriate maps and diagrams; it includes a proposed schedule for different phases as well as a detailed description of Cameco, including its ownership, organization, structure and technical capabilities. The detailed information to be included in the project description is outlined in the proposed Assessment Guidelines.
36. The Commission asked Cameco to identify the kinds of activities the company had currently at the Centre Pier. Cameco responded that the Centre Pier was used to store drums of historic waste material (including six new cylinders that are not part of the Vision 2010 Project) that are going to be transported to the Long Term Waste Management Storage in conjunction with the PHAI.
37. The Commission asked Cameco to elaborate on the four options proposed for the Vision 2010 Project and asked if one of the options had been preferred. Cameco responded that, as required in the comprehensive assessment, it had considered alternative means to the project. Cameco added that the four options would be assessed equally during the EA and that none had been given preference yet. Cameco also added that it would consider the input of the community in making its decision but it seemed that the two options that included more green spaces were more popular with the residents of Port Hope.
38. The Commission asked Cameco to describe how Vision 2010 Project was part of the broader Port Hope area strategy. Cameco responded that the Municipality of Port Hope had a plan to revamp the waterfront and that it was participating on a committee to integrate Vision 2010 Project into that plan. Cameco added that the harbour redevelopment was a municipal initiative and that it was only participating as a stakeholder to align its activities with the Municipality's strategy. Cameco insisted on the fact that the harbour redevelopment was not Cameco's project but the Municipality's initiative.
39. In response to a statement made in Lake Ontario Waterkeeper's submission, the Commission stated its understanding that the Vision 2010 Project was not a decommissioning project reconfigured into a life extension project. The Commission added that it was outlined in the proposed project that some buildings would be decommissioned while some additional ones would be constructed.

Description of the Existing Environment

40. CNSC staff explained that a description of the existing environment is needed to determine the likely interactions between the project and the surrounding environment during the life cycle of the project. CNSC staff provided in the proposed Guidelines a preliminary list of proposed Valued Ecosystem Components (VECs) in Appendix A of the proposed assessment. The VECs and their sub-components are typically described in the various study areas including a rationale for their consideration.

Spatial and Temporal Boundaries of Assessment

41. CNSC staff noted that the consideration of the environmental effects in Comprehensive Studies needs to be conceptually bound in both time and space. Nonetheless the study areas and time frames remain flexible during the assessment to allow the full extent of a likely environmental effect to be considered in the Comprehensive Study.
42. CNSC staff outlined in the Guidelines the following geographic areas for the project:
- Site study area: Cameco's Port Hope Conversion Facility (PHCF) site and area encompassed by the routes to transport contaminated soils and materials to and from the site as well as the storage and the disposal sites;
 - Local study area: buildings and infrastructure at Cameco's PHCF licensed site. The outer boundaries of the Local Study Area encompass an area that includes lands within the Municipality of Port Hope, and the portion of Lake Ontario abutting and used by the community for recreational activities, water supply and waste water discharge and described as Ward 1 in the Municipality of Port Hope;
 - Regional study area: lands, communities and portions of Lake Ontario around the PHCF and described as Ward 1 and Ward 2 in the Municipality of Port Hope.
43. CNSC staff noted that the temporal boundaries establish the time period over which the project specific effects and the cumulative effects will be considered. It is the duration of the decommissioning and demolition of the existing buildings, including site remediation and restoration activities, and the construction and operation of the proposed new buildings, including their eventual decommissioning, based on the Preliminary Decommissioning Plan.
44. The Commission asked Cameco if it was confident that the funding available for the proposed project would be available to meet the proposed schedule. The Commission also asked if, taking into account the unknowns with regard to the removal of soils and the coordination with the PHAI, it would be possible to meet the 1,333-day proposed schedule when taking into account all the other environmental aspects.

45. Cameco responded that it was committed to seizing the opportunity offered by synchronizing Vision 2010 Project with PHAI to move some waste to the LTWMF and to improve the site. Cameco also added that, at this time, the funding was committed to meet the proposed schedule.
46. The Commission asked Cameco about a schedule or a timetable for the Vision 2010 Project. Cameco answered that the schedule provided in its submission was for illustration purposes only. It added that until the preferred option has been identified, it was not possible to provide a final schedule considering the need to coordinate with the PHAI project and other projects from the Municipality of Port Hope. Cameco added that coordination meetings for these projects were taking place on a regular basis with the PHAI and the Municipality of Port Hope representatives.
47. The Commission asked Cameco if it would consider alternatives to the project including moving to Ward 2 as suggested by some intervenors. Cameco responded that under the Comprehensive Study there was a requirement to consider alternative means of carrying out the project, not alternatives to the project. CNSC staff added that alternatives to the project would be considered a new project and pointed out that the required alternative means to carry out the project had to be also considered feasible from Cameco's perspective.

Conclusion on the Scope of the Assessment

48. Taking into consideration the above information with the fact that the project is at the preliminary stage of an EA, the Commission is satisfied that the factors to be considered in the assessment of the project and the scope of those factors have been adequately described in the Scoping Document appended to the EA Track Report included in CMD 08-H20.

Public Consultation including Consultation of First Nations

49. CNSC staff noted that consultation is an important aspect of the EA. CNSC staff stated that a public registry file was established for the project on the Canadian Environmental Assessment Registry (CEAR) with the following CEAR number: 06-03-22672. A 37-day public consultation period on the draft Guideline-Scoping Document was also conducted from March 5 until April 11, 2008 by the CNSC and the CEA Agency, using the Canadian Environmental Assessment Registry Internet Site (CEARIS) and advertisements published in several newspapers. These notices provided details on how to access the document and how to provide feedback.

50. In addition, the EA Guidelines documents were made available at two libraries in Port Hope and Cobourg and mailed to 13 stakeholder groups or stakeholders including the Municipality of Port Hope. Cameco hosted a public consultation meeting on the Vision 2010 Project in Port Hope on March 19, 2008. The public also had the opportunity to submit comments to be considered at this Public Hearing on the Environmental Assessment Track Report for the proposed project.
51. CNSC staff reported that five First Nations (Alderville Ojibways; Ojibways of Hiawatha; Mississaugas of Scugog Island; Mohawks of the Bay of Quinte and the Curve Lake First Nation) might have interest in the Vision 2010 Project. These First Nations have an historic relationship with the lands along the north shore of Lake Ontario. CNSC staff added that although there are no First Nations located within the Municipality of Port Hope, many members of the two nearest First Nations communities live and work in Port Hope. CNSC staff reported that Cameco and CNSC contacted the five First Nations with potential interest in the proposal and had kept them informed of the status of the project. No specific interest in the project was shown by any of them.
52. CNSC staff reported that during the consultation period, seven submissions were received from the public and stakeholders for a total of 91 separate comments. Information on the disposition of each comment was attached as Appendix 2 of the proposed EA Guidelines. The proposed EA Guidelines document was modified according to these comments when applicable.
53. The Commission sought Cameco's interpretation of the Port Hope residents' familiarity with the proposed project. Cameco responded that 400 residents of Port Hope were surveyed and that approximately 70% had answered that they were aware of the existence of the project. Of these 70%, 90% responded they were supporting the project.
54. CNSC staff assured the Commission that the public is provided with opportunities to participate in the EA process through both CNSC consultation activities as well as proponent-led activities. CNSC staff added that it will ensure that Cameco continue to engage the community throughout the development of the rehabilitation plan and the EA process. CNSC staff confirmed that the First Nations will continue to be included in the consultation activities. CNSC staff also added that some funding from the CEA agency was available to support individuals and non-profit organizations interested in participating in the environmental assessment.
55. The Commission sought CNSC staff's views on Cameco's transparency when consulting with the community and other key stakeholders. CNSC staff confirmed that, to date it was satisfied with the public consultation activities carried out by Cameco, but that it will continue to monitor those activities throughout the project. CNSC staff explained that it was expected that Cameco put in place public consultations and public participation opportunities consistent with the requirements of the CEAA. CNSC staff added that Cameco's consultation program would be evaluated according to the Ministerial Guideline of the Canadian Environmental Assessment Agency.

56. The Commission sought the Municipality of Port Hope's views (the Municipality) regarding Cameco's consultation efforts for the Vision 2010 Project. The Municipality answered that consultation with Cameco occurred on several occasions, such as during Cameco's submissions of its quarterly reports to the Municipal Council and during bimonthly meetings with the Chief Administrative Officer and the Mayor to discuss issues, concerns or interests of the Municipality. The Municipality also noted that several meetings on the waterfront redevelopment had been conducted to coordinate activities underway at the same time with the Port Hope Area Initiative, the Vision 2010 Project and the Municipality's rehabilitation plan. The Municipality concluded that it was satisfied with Cameco's active participation at those meetings and with its openness to discuss the coordination of the activities with the Municipality.
57. Families Against Radiation Exposure (FARE), in its intervention, expressed its view that its suggestions to modify the EA Guidelines and those of other intervenors had not been taken into consideration by CNSC staff. CNSC staff explained that it reviews all the comments received from the public consultations to determine if they are pertinent to the project description and the requirements of the CEAA and whether they can add clarity to the environmental assessment. CNSC staff pointed out that often the suggestions are related to items that are out of the scope of the specific project or cannot be dealt with within the environmental assessment for the specific project. Other times, the suggestions are too specific to be added to the Guidelines that have to be kept fairly generic to allow some room for adjustment from the proponent during the environmental assessment process. This explains in part why all the suggestions are not incorporated in the revised EA Guidelines
58. In this regard, the Commission has suggested that the response in the comments disposition document be more precise and indicate, for example, where a suggestion is not included because it is already provided for in the EA Guidelines.
59. FARE also raised the issue that the Public Registry was not working properly during the Guidelines consultation period. CNSC staff confirmed that there had been a delay in the delivery of the information on the CEA Public Registry and that it was attributed to an administrative problem that has been addressed since. CNSC staff added that the public could always be informed through the CNSC Web site and that an email address is available to the participants who want to make a request for documents and that these requests are answered in a timely manner.
60. The Commission asked CNSC staff if the problem with the Public Registry could be considered as a violation of the CEAA. CNSC staff answered that it was not a violation and added that the intent of the Public Registry was to make information publicly available. Even if some delays related to this project had been observed, the information still remained available. CNSC staff added that, at no time, this delay had prevented members of the public, including FARE, from participating in the public review of the EA Guidelines and Track Report. CNSC added that these documents were also mailed directly to a number of intervenors, including FARE.

61. The Commission asked Cameco if it could give examples of elements raised during the public consultations that have been integrated in their activities. Cameco told the Commission that the public had asked for a visitor's information centre, which was added to the project. In addition, the public had asked for an access to the south end of the property, which was also added to the design of the project. Cameco reported that input from the public on the layout and location of certain buildings and facilities on the site and on traffic patterns around the site had also been considered in the design, when feasible.
62. The Commission asked whether it was expected that Cameco take into account the public's comments even if these were not necessarily used to modify the EA Guidelines. CNSC staff responded that the intent of the public consultation period on the EA Guidelines was to ensure that the Guidelines were as complete as possible and reflected accurately the project and the requirements of the CEAA. CNSC staff added that Cameco was expected to conduct the EA in a manner that covers all the requirements at an appropriate level and be scientifically rigorous so that the conclusions of the assessment could be supported.
63. The Commission expressed the importance that Cameco continue to consult and interact with the public, including non-government organizations and interest groups, during the EA process as well as on regular basis and take into account the range of public concerns. For the purposes of this hearing matter, the Commission is satisfied with Cameco's consultation effort at this stage of the process.

Recommendation to the Minister of the Environment

64. To make its recommendation to the Minister of the Environment on the continuation of the EA process going forward, the Commission considered the potential adverse environmental effects of the project, the public concerns in relation to the project and the ability of the Comprehensive Study to address issues related to the project. These considerations are described in the following paragraphs.

Potential of the Project to Cause Adverse Environmental Effects

65. In order to assess the potential of the project to cause adverse environmental effects, CNSC staff presented a preliminary list of potential adverse environmental effects that may need to be considered during the EA process. In identifying the potential environmental interactions and effects CNSC staff considered:
 - Cameco's project description and baseline information;
 - Public input to-date;
 - Input from the Federal Authorities for the EA;
 - Professional judgement based on experience with the environment impacts of similar projects.

66. CNSC staff noted that this preliminary list of adverse effects includes examples of what could occur should mitigation measures not be put in place. Over the course of the EA, potential adverse environmental effects will be determined and technically and economically feasible measures will be identified. CNSC staff added that, under the CEAA, a follow-up program had to be designed and implemented as part of a comprehensive study to ensure that mitigation measures are effective and identify if any adaptation measures need to be implemented.

Public Concerns

67. As described in the *Public Consultation* section above, the Commission is satisfied that Cameco and CNSC staff consulted appropriately with the public, First Nations and other interested stakeholders. The Commission is therefore satisfied that the public had adequate opportunity to become informed about the project and to express related concerns.
68. CNSC staff reported several public concerns in relation to the proposed project, including the following:
- the timing of the Vision 2010 Project and PHAI project in case the Long Term Waste Management Facility planned in PHAI was not ready to receive Vision 2010 Project historic waste and waste from demolished buildings at Cameco site;
 - the potential of adverse environmental effects; and
 - the Comprehensive Study process which does not allow for public hearings at the CNSC on the final Comprehensive Study report.
69. Many of these issues are addressed in the *Scope of the Project* section of this *Record of Proceedings*. Some members of the public requested that Cameco propose a contingency plan in case the PHAI waste management facility was not ready on time to accept the Cameco's Vision 2010 Project waste to be transported to that facility. CNSC staff responded that, as part of the EA, Cameco was required to make some assumptions and to consider different scenarios when planning the project. The transportation of waste to another site than the LTWMF and the potential cumulative effects associated with this alternative are within the scope of the EA and would be evaluated by Cameco.
70. Other concerns raised by the public were in regards to the Building 50 contamination clean-up project. CNSC staff responded that the clean-up project was expected to be completed before the Vision 2010 Project commences but if there was any remedial work or residual contamination in the clean-up project, it would be captured in the cumulative effects assessment of the EA as well.

71. CNSC staff reported that the public concerns on the potential existence of unacceptable environmental effects from the Vision 2010 Project were very similar to concerns expressed in previous screening environmental assessments in the Port Hope area and not specific to Vision 2010 Project. CNSC staff further assured the Commission that there are technically and economically feasible mitigation measures available that would reduce and minimize the potential adverse environmental effects to an acceptable level for the protection of the health of persons and the environment. CNSC staff will use the experience acquired in the past with the decommissioning of complex nuclear facilities where it has been demonstrated that such a project can be carried out safely with appropriate mitigation measures.
72. The public also expressed concern that a Comprehensive Study does not allow public hearings on the final Comprehensive Study report. CNSC staff explained that there was no opportunity to hold a public hearing in the case of a Comprehensive Study since the CNSC does not make the final decision on the results of the Comprehensive Study Report. If the Commission was to decide that the Vision 2010 Project will continue as a Comprehensive Study, the Minister of the Environment will use CEAA's process for consulting the public. The CEA Agency administers this process and provides public access to the Comprehensive Study Report and ensures that the Minister is informed of the public concerns.
73. The Commission asked CNSC staff to explain the difference for the community between continuing the EA as Comprehensive Study as opposed to referring the Vision 2010 Project to a review panel, in terms of project timing with the Port Hope Area Initiative and public participation. The Commission also sought Cameco's point of view on this matter.
74. CNSC staff responded that a review panel would hold public hearings on the project which would be an opportunity for people to intervene in front of a CEAA panel before the federal government makes a decision on the results of the EA. A panel hearing also includes an increased level of participant funding to permit an increased level of public participation. CNSC staff explained that there would be no change in terms of the scope of the project between a review panel and a Comprehensive Study. This means that the assessment of the Cameco Vision 2010 Project and the expectations in terms of the scope of the assessment and the factors would not be different and the cumulative effects from other projects would be considered as well as in a Comprehensive Study. CNSC staff added that the timing of the project could change if the Commission was to refer the project to a review panel since this would create an opportunity to redraft the EA Guidelines and carry out further consultations on these Guidelines. Intervenors did not agree with this statement.
75. CNSC staff also informed the Commission that CNSC staff and the CEAA agency staff did participate in an open house during the period of public consultation on the EA Track Report and the Guidelines, and that the question on the difference between a panel review and a Comprehensive Study had not been asked by the public.

76. Cameco further responded to the Commission that the EA Guidelines proposed for the Comprehensive Study would provide a thorough assessment of the Vision 2010 Project. Cameco added that, at this point in time, there was an opportunity for the project to go forward in conjunction with the PHAI and that a referral of the project to a review panel would add some time and may result in a missed opportunity. Cameco also added that after analysing the public opinion study conducted on the project, it seemed that the community was of the view that the project should start at the earliest time possible.
77. The Lake Ontario Waterkeeper, in its intervention, expressed concerns to the Commission in regards of the fairness and the transparency of the project. It added that the Vision 2010 Project must reflect community's concerns to ensure that a proper cleanup would be achieved. It added that it was in support of a proper cleanup.
78. The Commission asked Cameco how it planned to regain trust from members of the public that were concerned for their health in respect of past activities on the site.
79. Cameco responded that it was committed to ensuring a thorough and transparent consultation program and a continuous dialogue throughout the Vision 2010 Project EA and licensing processes, and that this should address the public's concerns.
80. An intervenor requested from CNSC staff that it provide a list of the contaminants identified in the catch basin. CNSC staff assured the Commission it would follow-up on that request and provide the information.
81. Another intervenor wanted to make sure that the air emissions would be assessed. CNSC staff responded that air emissions were part of the criteria to be considered during the EA study. The same intervenor asked CNSC that an extensive study on the accumulation of contaminants in the soil be conducted in Port Hope. CNSC staff acknowledged that there was existing information suggesting that there was some accumulation but that this was at a very low level and was not affecting the health of people living and carrying out normal activities, including children playing on the ground, in the area. CNSC staff also added that it was confirmed through ongoing monitoring that, within the one-kilometre zone surrounding the facility, the air concentrations were well below standards set to protect people breathing uranium particles and concluded that the levels of uranium were low and were not posing a risk to human health.
82. The Commission asked Cameco what it was doing to reduce the cumulative effects that could result from its operations. Cameco responded that it had already added High Efficiency Particulate Air (HEPA) filters to reduce the fugitive emissions and that it will continue to do so through an already established program. Cameco also added that it anticipated that the measured emissions from the facility would continue to decrease as a result of its improvement program.
83. Another intervenor requested that the Commission delay its decision until the promulgation of the Ontario *Clean Water Act*.

84. The Commission asked CNSC staff if the Ontario *Clean Water Act* would be applicable to the Vision 2010 Project EA. CNSC staff responded that the EA would consider standards and guidelines enforced in various jurisdictions, including Ontario. Concerning the Vision 2010 Project, the Ontario Ministry of the Environment deemed that it had no EA responsibilities after reviewing the description of the Vision 2010 Project. CNSC staff added that the Ontario Ministry of the Environment would inform the CNSC of any applicable regulation currently in development.
85. The Commission is satisfied that the public concerns have been adequately described in the Scoping Document appended to the EA Track Report included in CMD 08-H20.

Ability of the Comprehensive Study to Address Issues Relating to the Project

86. The Commission considered the information submitted to determine the ability of the Comprehensive Study to address issues relating to the proposed project.
87. CNSC staff presented a summary of the public comments received on the ability of the Comprehensive Study to address issues relating to the project along with the responses to the issues raised through the consultation process.
88. CNSC staff explained that the entire scope of the project would be included in a Comprehensive Study.
89. CNSC staff reported that the Port Hope and District Chamber of Commerce expressed its support for the project to proceed as a Comprehensive Study. This organization concurred with CNSC staff's assessment and believed that all of the issues surrounding the project would be properly addressed in a Comprehensive Study. The Municipality of Port Hope did not express any preference for a Comprehensive Study or a panel review.
90. The Lake Ontario Waterkeeper, the Port Hope Community Health Concerns Committee (PHCHCC), the Citizens for Renewable Energy, the Coalition for a Nuclear-Free Great Lakes, the Family Against Radiation Exposure and some individuals have requested a panel review. The rationale for their opposition is described above in this *Record of Proceedings*.
91. Finally, the Commission emphasised the importance of all agencies involved in Port Hope area projects, including AECL, Natural Resources Canada, Cameco and CNSC to work together more effectively to ensure that the Port Hope Initiative and the related projects progress more expeditiously.
92. Based on information presented, the Commission is of the opinion that the project and the concerns identified to date would be adequately addressed with a Comprehensive Study. The Commission is also of the opinion that a recommendation to the Minister of the Environment for a Comprehensive Study appears to be appropriate.

93. Therefore, the Commission, pursuant to paragraph 21(2)(b) of the CEAA, will recommend to the Minister of the Environment to continue with the environmental assessment by means of a Comprehensive Study.

Conclusion

94. The Commission has considered the information and submissions of the proponent, CNSC staff and the intervenors as presented for reference on the record for the public hearing.
95. The Commission, pursuant to sections 15 and 16 of the CEAA, approves the Scoping Document (EA Guidelines) for the Environmental Assessment of *Cameco Corporation's Proposal for the Redevelopment of its Port Hope Conversion Facility (Vision 2010 Project) in Port Hope, Ontario* set out in the EA Track Report appended to CMD 08-H20.
96. Pursuant to subsection 21(1) of the CEAA, the Commission is satisfied that the public has had adequate opportunity to express any concern with respect to the scope of the EA and the ability of the Comprehensive Study to address issues relating to the project.
97. The Commission is satisfied that the EA Track Report appended to CMD 08-H20 adequately describes the scope of project and the scope of the assessment, the public concerns in relation to the project, the potential of the project to cause adverse environmental effects and the ability of the Comprehensive Study to address issues relating to the project.
98. To fulfil its reporting requirements to the Minister of the Environment pursuant to paragraph 21(2)(a) of the CEAA, the Commission will submit the EA Track Report *Cameco Corporation's Proposal for the Redevelopment of its Port Hope Conversion Facility (Vision 2010 Project) in Port Hope, Ontario* to the Minister as set out in CMD 08-H20.
99. As part of the EA Track Report, the Commission will also provide the Scoping Document included in the EA Track Report.
100. Pursuant to paragraph 21(2)(a) of the CEAA, the Commission determines that, taking into account the implementation of any appropriate mitigation measures, the project does not have the potential to cause adverse environmental effects.
101. Pursuant to paragraph 21(2)(b) of the CEAA, the Commission determines that the ability of the Comprehensive Study to address issues related to the project does not warrant a recommendation to the Minister of the Environment for her referral to a review panel.

102. The Commission will therefore recommend to the federal Minister of the Environment to continue with the environmental assessment by means of Comprehensive Study. If the Minister approves to continue the EA as a Comprehensive Study, the Commission also agree to delegate the technical studies to Cameco Corporation.



Michael Binder,
President
Canadian Nuclear Safety Commission

DEC 05 2008

Date

Appendix A – Intervenors

Intervenors	Document Number
Municipality of Port Hope, represented by Mayor J. Lees and M. Stevenson	CMD 08-H20.2
Families Against Radiation Exposure (FARE), represented by J. Miller	CMD 08-H20.3
Lake Ontario Waterkeeper, represented by J. Bull	CMD 08-H20.4
P. McNamara	CMD 08-H20.5
Port Hope Community Health Concerns Committee, represented by F. More	CMD 08-H20.6
D. Rudka	CMD 08-H20.7
Citizens for Renewable Energy	CMD 08-H20.8
Port Hope and District Chamber of Commerce	CMD 08-H20.10
Coalition for a Nuclear-Free Great Lakes	CMD 08-H20.11
P. Lawson	CMD 08-H20.12