

# Summary Record of Proceedings and Decision

In the Matter of

Applicant Rio Algom Limited

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Subject Application to Amend the Class IB Waste  
Facility Operating Licence for the Replacement  
of the Stanleigh Effluent Treatment Plant

Hearing  
Date May 16, 2007

**RECORD OF PROCEEDINGS**

Applicant: Rio Algom Limited

Address/Location: PO Box 38, Elliot Lake, Ontario P5A 2J6

Purpose: Application to amend the Class IB Waste Facility Operating Licence for the replacement of the Stanleigh Effluent Treatment Plant

Application received: March 16, 2007

Date of hearing: May 16, 2007

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

Members present: C. R. Barnes, Presiding Member  
A.R. Graham  
A. Harvey

Secretary: M.A. Leblanc  
General Counsel: S. Maislin Dickson  
Recording Secretary: M. Young

<b>Applicant Represented By</b>		<b>Document Number</b>
<ul style="list-style-type: none"><li>• M. Wiber, Vice-President of Closed Mines for Rio Algom</li><li>• D. Berthelot, Reclamation Manager, Elliot Lake</li><li>• A. Coggan, Project Manager, Elliot Lake</li></ul>		CMD 07-H13.1
<b>CNSC staff</b>		<b>Document Number</b>
<ul style="list-style-type: none"><li>• B. Howden</li><li>• R. Barker</li></ul>	<ul style="list-style-type: none"><li>• S. Lei</li><li>• R. Lojk</li></ul>	CMD 07-H13
<b>Intervenor</b>		<b>Document Number</b>
<ul style="list-style-type: none"><li>• Serpent River Regional Environmental Committee</li></ul>		CMD 07-H13.2

**Licence:** Amended  
**Date of Decision:** May 16, 2007

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## Introduction

1. Rio Algom Limited (Rio Algom) has applied to the Canadian Nuclear Safety Commission<sup>1</sup> (CNSC) for an amendment to its Class IB Nuclear Waste Facility Operating Licence to enable the replacement of the existing water treatment plant located at the Stanleigh Tailings Management Area (TMA) with a new Effluent Treatment Plant (ETP) and settling pond. The Stanleigh TMA is located approximately 5 km north-east of the City of Elliot Lake, Ontario. The current waste facility operating licence is WFOL-W5-3101.02/indf.
2. Rio Algom possesses a waste facility operating licence for its nine closed uranium mine sites in Elliot Lake, Ontario. All of these mine and mill facilities have been decommissioned. The Stanleigh ETP is one of five ETPs that Rio Algom operates under authority of its licence.
3. The primary activities required for Rio Algom's proposed ETP include the following:
  - demolition of the existing treatment plant;
  - construction of an access road;
  - creation of a settling pond;
  - construction of a settling pond dam and spillway; and
  - construction of the new treatment facility.
4. A screening level environmental assessment was conducted pursuant to the *Canadian Environmental Assessment Act*<sup>2</sup> (CEAA) and it was determined<sup>3</sup> that the project is not likely to cause significant adverse environmental effects, taking into account mitigation measures identified in the EA Screening Report.
5. This *Summary Record of Proceedings and Decision* announces the decision of the Commission on Rio Algom's licence amendment application. A detailed *Record of Proceedings, including Reasons for Decision* will be published at a later date to describe the Commission's consideration of the evidence on record for this hearing and to provide the Commission's reasons for decision.

## Issues

6. In considering the application, the Commission was required to decide, pursuant to subsection 24(4) of the *Nuclear Safety and Control Act*<sup>4</sup> (NSCA):

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<sup>1</sup> In this *Summary Record of Proceedings and Decision*, 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.

<sup>2</sup> S.C. 1992, c. 37.

<sup>3</sup> Refer to the *Record of Proceedings* on the matter of the *Screening Environmental Assessment for the Proposed Replacement of the Stanleigh Effluent Treatment Plant*, date of hearing March 7, 2007.

<sup>4</sup> S.C. 1997, c. 9.

- a) if Rio Algom is qualified to carry on the activity that the amended licence would authorize; and
- b) if, in carrying on that activity, Rio Algom would make adequate provision for the protection of the environment, the health and safety of persons and the maintenance of national security and measures required to implement international obligations to which Canada has agreed.

### Public Hearing

7. The Commission, in making its decision, considered information presented for a public hearing held on May 16, 2007 in Ottawa, Ontario. During the public hearing, the Commission received written submissions and heard oral presentations from CNSC staff (CMD 07-H13 and CMD 07-H13.A) and Rio Algom (CMD 07-H13.1 and CMD 07-H13.1A), as well as a written intervention from the Serpent River Regional Environmental Committee (CMD 07-H13.2).

### **Decision**

8. Based on its consideration of the matter, the Commission concludes that Rio Algom is qualified to carry on the activity that the amended licence will authorize. The Commission is also satisfied that Rio Algom, in carrying on that activity, will make adequate provision for the protection of the environment, the health and safety of persons and the maintenance of national security and measures required to implement international obligations to which Canada has agreed. Therefore,

the Commission, pursuant to section 24 of the *Nuclear Safety and Control Act*, amends the Class IB Nuclear Waste Facility Operating Licence WFOL-W5-3101.02/indf issued to Rio Algom Corporation for its closed uranium mine sites located in Elliot Lake, Ontario. The amended licence WFOL-W5-3101.03/indf remains valid indefinitely, unless suspended, amended, revoked or replaced.

9. The Commission includes in the licence the conditions recommended by CNSC staff, as set out in the draft licence attached to CMD 07-H13.A.

### **Issues and Commission Findings**

10. In making its licensing decision, the Commission considered a number of issues relating to Rio Algom's qualification to carry out the proposed activities and the adequacy of the proposed measures for protecting the environment, the health and safety of persons, national security and international obligations to which Canada has agreed.
11. The findings of the Commission will be presented in a *Record of Proceedings, including Reasons for Decision*, to be published at a later date.

Dr. Christopher R. Barnes,  
Presiding Member  
Canadian Nuclear Safety Commission

Date of decision: May 16, 2007

Date of release of Summary Record of Proceedings and Decision: May 22, 2007