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Operational Protocol for the Gunnar Project

OPERATIONAL PROTOCOL FOR THE GUNNAR PROJECT

PREAMBLE

WHEREAS the Saskatchewan Ministry of the Economy is responsible, on behalf of the Province of Saskatchewan, for remediating the legacy Gunnar uranium mine site (Gunnar Project);

AND WHEREAS the Saskatchewan Research Council (SRC) is the licensee for the Gunnar Project on behalf of the Provincial Crown;

AND WHEREAS the Canadian Nuclear Safety Commission (CNSC or the Commission) has regulatory and statutory responsibilities under the *Nuclear Safety and Control Act* (NSCA) and its associated regulations, and is responsible for assessing licence applications and reviewing the documents that will allow the Gunnar Project to proceed;

AND WHEREAS the Commission is a quasi-judicial administrative tribunal;

AND WHEREAS nothing in this Protocol restricts the powers of designated officers, inspectors or the Commission when it comes to making regulatory decisions or taking regulatory action in the public interest, transparently and independent of any undue influence;

AND WHEREAS nothing in this Protocol is to be construed or interpreted as affecting the jurisdiction and discretion of the Commission in any assessment of any application for licensing purposes under the NSCA, its associated regulations or the CNSC Rules of Procedure;

AND WHEREAS all participants of this Protocol understand that there will be no compromise in the protection of the environment or the health, safety and security of Canadians. The participants also recognize that the independence of the Commission, as Canada's federal nuclear regulator, will be maintained.

1.0 PURPOSE OF THIS PROTOCOL

This Protocol and its attached annex establish the administrative framework, milestones and associated service standards for the remaining federal regulatory activities related to the licensing of the Gunnar Project. These activities include the submission of the documents referred to in provision 3.1 of the licence conditions handbook (LCH) associated with the Gunnar Project's waste nuclear substance licence (WNSL) number (WNSL-W5-3151.00/2024), as well as the regulatory review of those documents.

The milestones described in the Annex were established on the basis of a number of assumptions, some of which relate to activities of participants in the Gunnar Project who are not signatories to this Protocol. This Protocol does not bind the Commission. Should events unfold in a manner that is different from what has been assumed, the milestones will need to be revised following the processes outlined in this Protocol.

2.0 CONTEXT

Following a public hearing on November 6, 2014 in Ottawa, ON, the CNSC issued a 10-year licence to the SRC for the Gunnar Project, valid from January 14, 2015 to November 30, 2024.

The Gunnar Project is being carried out in three phases:

- **Phase 1** which has already been completed, included activities related to the monitoring, maintenance and characterization of the Gunnar Project site.
- **Phase 2** will involve the execution of remediation activities for various site components (specifically, the site's tailings area, waste rock piles, open pit and mine shaft).
- **Phase 3** will include post-closure care and maintenance of the site.

A regulatory hold point requires the SRC to receive Commission approval before it can proceed with Phase 2 of the Gunnar Project. Following a public hearing on September 30, 2015, the Commission partially removed the Phase 2 hold point to allow the SRC to carry out remediation activities on the tailings area.

This Protocol focuses on the licence document submission and regulatory review for Phase 2 of the Gunnar Project, establishing the timelines that will need to be met for a public hearing to be held on September 22, 2016.

3.0 PARTICIPANTS AND CHAMPIONS

The participants to the Protocol have the following roles and responsibilities with respect to the licensing and environmental assessment follow-up activities of the Gunnar Project:

- **The CNSC** has regulatory and statutory responsibilities under the NSCA and its associated regulations. To allow the Gunnar Project to proceed, it is responsible for assessing the documents referred to in provision 3.1 of the LCH associated with WNSL-W5-3151.00/2024.
- **The Saskatchewan Ministry of the Economy** is responsible for the Gunnar Project on behalf of the Government of Saskatchewan. It provides policy direction and funding for the Gunnar Project.
- **The SRC**, a provincial Crown corporation, is the licensee for the Gunnar Project.

The Champions representing each participant of this Protocol are as follows:

Karine Glenn

Director, Wastes and Decommissioning Division
Canadian Nuclear Safety Commission

Cory Hughes

Executive Director, Minerals, Lands and Resource Policy Division
Saskatchewan Ministry of the Economy

Ian Wilson

Business Unit Manager
Saskatchewan Research Council

Each participant will identify alternates in the event that the primary Champion is unavailable.

4.0 EFFECTIVE LIFE OF THE PROTOCOL

This Protocol will come into effect upon the date of its signing by all three participants. This Protocol will end on the date that all of the milestones defined in the Annex are achieved.

5.0 TIMELINES

The Annex details the service standards for the submission, review and revision of the documents to support the Commission's acceptance of the documents referred to in provision 3.1 of the LCH associated with the Gunnar Project's WNSL. Specific timelines for the submission of the documents are indicated; however, timelines will be updated as applicable and communicated through the monthly dashboard-style reports. The service standards are initiated upon receipt of the documents from the proponent.

The participants agree to encourage, to the extent possible, the exchange of information on the documents listed in the Annex and on the review of advanced drafts.

In addition to the exchange of submission and response correspondence described in the annex, the participants agree to meet, as necessary, to clarify intentions and facilitate common understanding to achieve the service standards.

6.0 REPORTING

The Champions will jointly produce a monthly dashboard-style report that demonstrates progress, provides updates on the status of activities, and brings forward items of concern or that may pose a risk to the completion of the Gunnar Project. These reports will be submitted to the Executive Management Committee within five working days of the end of each month that falls within the life of this Protocol.

7.0 EXTERNAL COMMUNICATIONS

Throughout the duration of this Protocol, all participants agree that external communications will be open and transparent. Information destined for public release will be coordinated through the designated Champions (or alternates, when necessary) with support from each participant's communications division. Further, these communications will be done in coordination with, and in consideration of, each participant's communications protocols.

8.0 ISSUES RESOLUTION

The participants to this Protocol will use their best efforts to resolve, in an effective and timely manner, any differences of opinion in the interpretation or application of this Protocol.

There may be issues related to the submission or regulatory review of the documents to support Commission acceptance of the documents referred to in provision 3.1 of the LCH associated with the Gunnar Project's WNSL. These issues will be resolved through direct discussions and collaboration between the Champions. Any issues that cannot be resolved in this manner will be jointly referred to the Executive Management Committee.

The actions and decisions of the Champions and Executive Management Committee do not restrict the discretion of those who otherwise have the statutory obligations to consider matters.

9.0 EXECUTIVE MANAGEMENT COMMITTEE

The participants to the Protocol have formed an Executive Management Committee comprising senior management representatives from the CNSC and the Saskatchewan Ministry of the Economy. The Executive Management Committee will receive and review the monthly dashboard-style reports. In addition, if an issue cannot be resolved through the Champions, the Executive Management Committee will meet within three working days of notification of the dispute with the intention of expeditiously resolving the impasse.

The members of the Executive Management Committee are as follows:

Ramzi Jammal

Executive Vice-President and Chief Regulatory Operations Officer
Regulatory Operations Branch
Canadian Nuclear Safety Commission

Hal Sanders

Assistant Deputy Minister
Saskatchewan Ministry of the Economy

Each participant will identify alternates in the event that the primary Executive Management Committee member is unavailable.

10.0 FUTURE REVISIONS OF THE PROTOCOL

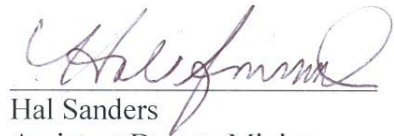
The Champions will coordinate all revisions to this Protocol. Substantive revisions affecting the main terms of the Protocol must be approved by all of the participants who have signed the Protocol. Other revisions may be approved with the joint agreement of the members of the Executive Management Committee.

11.0 PROTOCOL AGREEMENT

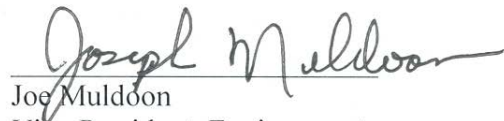
The participants hereto have signed the Protocol, in counterpart, on the dates indicated below:



Ramzi Jammal
Executive Vice-President and Chief Regulatory Operations Officer
Regulatory Operations Branch
Canadian Nuclear Safety Commission



Hal Sanders
Assistant Deputy Minister
Saskatchewan Ministry of the Economy



Joe Muldoon
Vice-President, Environment
Saskatchewan Research Council

May 18/2016

Annex

**Key milestones, activities and service standards
for the removal of hold points for Phase 2 of the Gunnar Project**

Milestone	Description	Lead	Completion date
Submission of documents to support the removal of hold points for Phase 2 (round 1)	The SRC submits remediation plans for the waste rock piles, open pit and mine shaft.	SRC	Completed in 2015
Review of documents submitted to support the removal of hold points for Phase 2 (round 1)	The CNSC comments on the remediation plans for the waste rock piles, open pit and mine shaft.	CNSC	Completed in 2015
Resubmission of documents to support the removal of hold points for Phase 2 (round 2)	The SRC resubmits documents and/or responds to the CNSC's comments on the remediation plans for the waste rock piles, open pit and mine shaft.	SRC	Completed in 2015
Review of documents submitted to support the removal of hold points for Phase 2 (round 2)	The CNSC reviews the SRC's resubmission and/or response on the remediation plans for the waste rock piles, open pit and mine shaft.	CNSC	March 24, 2016
Resubmission of documents to support the removal of hold points for Phase 2 (round 3, if required)	Final resubmission and/or response by the SRC on the remediation plans for the waste rock piles, open pit and mine shaft.	SRC	April 4, 2016
Public review of remediation plans	The SRC posts for public review the remediation plans for the waste rock piles, open pit and mine shaft.	SRC	April 6, 2016
Public information session and input from public/Aboriginal groups on remediation plans	The SRC holds a Participant Funding Program (PFP) workshop and presentation on the remediation plans for the waste rock piles, open pit and mine shaft.	CNSC SRC	April 26, 2016

Milestone	Description	Lead	Completion date
SRC written submission for Commission hearing	The SRC prepares its written submission for the public Commission hearing.	SRC	July 22, 2016
Submission of SRC presentation for Commission hearing	The SRC submits the presentation to be given at the public Commission hearing.	SRC	September 14, 2016
Commission hearing on the release of hold points for Phase 2	The Commission holds a public hearing seeking approval for the SRC to proceed with the remainder of Phase 2 activities of the Gunnar Project.	CNSC SRC	September 22, 2016 Decision rendered approximately six weeks following the Commission hearing ¹
Process for issues resolution	Outstanding issues are reviewed by the Champions.	CNSC SRC	Within three working days
	Unresolved issues are jointly referred to the Executive Management Committee.	CNSC SRC	By the end of the third working day ² following start of Champion review
	The Executive Management Committee meets to resolve the dispute.	CNSC SRC	Within three working days of notification of dispute

1 The time estimated for the Commission to render a decision is an approximation; it is not binding nor does it restrict the decision-making ability of the Commission.

2 All working days are intended to be consecutive.