



Orano's Request to Revoke the Current CNSC Licence and Release the Cluff Lake Project to Saskatchewan's Institutional Control Program

CNSC Staff Presentation

Commission Hearing

March 1, 2023

CMD 23-H8.A





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Errata

The Decommissioning Surface Water Quality Objectives (DSWQO) and Water Quality Guidelines (WQGs) in **Table 3.2** of CNSC’s Environmental Protection Review Report are offset by 1 row

- The correct DSWQO and WQG values are shown in **Table 3.1**
- Corrections will be made prior to the Environmental Protection Review Report being published

This item does not change CNSC staff’s conclusions and recommendations regarding the Cluff Lake site



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Purpose

Consideration of Orano Canada Ltd.'s request to

- have their Cluff Lake licence revoked
- allow for the transfer of the properties to the Province of Saskatchewan under its Institutional Control Program (ICP)

CNSC Staff recommend that the Commission:

- revoke Orano's current CNSC licence
- exempt the Province of Saskatchewan from the requirement to hold a licence related to the Cluff Lake Site, allowing the transfer of the properties to the ICP



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Outline

- Cluff Lake site overview and regulatory history
- Overview of Saskatchewan's Institutional Control Program (ICP)
- Summary of CNSC staff's assessment of Orano Canada Inc.'s application
- Public and Indigenous engagement and participant funding
- Key themes from interventions
- CNSC staff's conclusion and recommendations



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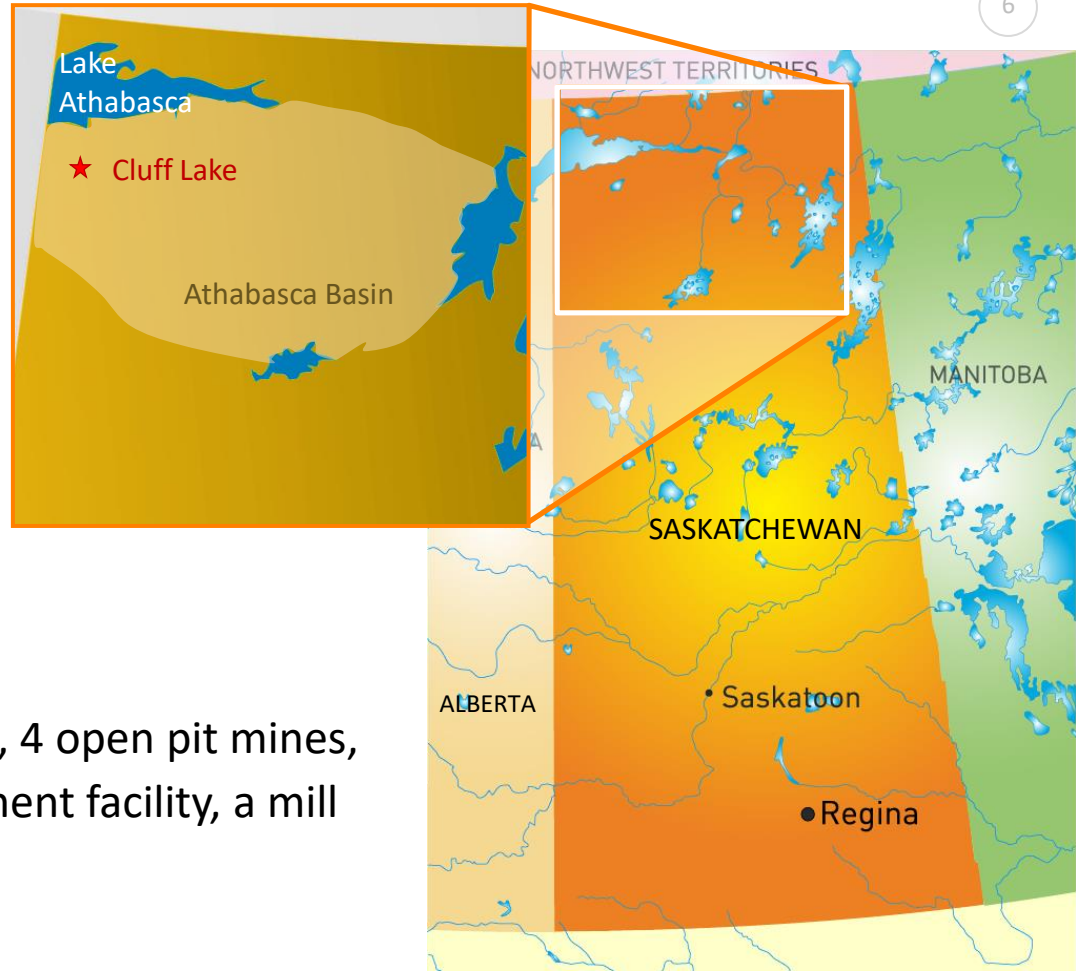
SITE OVERVIEW



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Site Overview and History

- Located in northwestern Saskatchewan
- Operated (1979 – 2002)
- Consisted of 2 underground mines, 4 open pit mines, an above ground tailings management facility, a mill and other support facilities



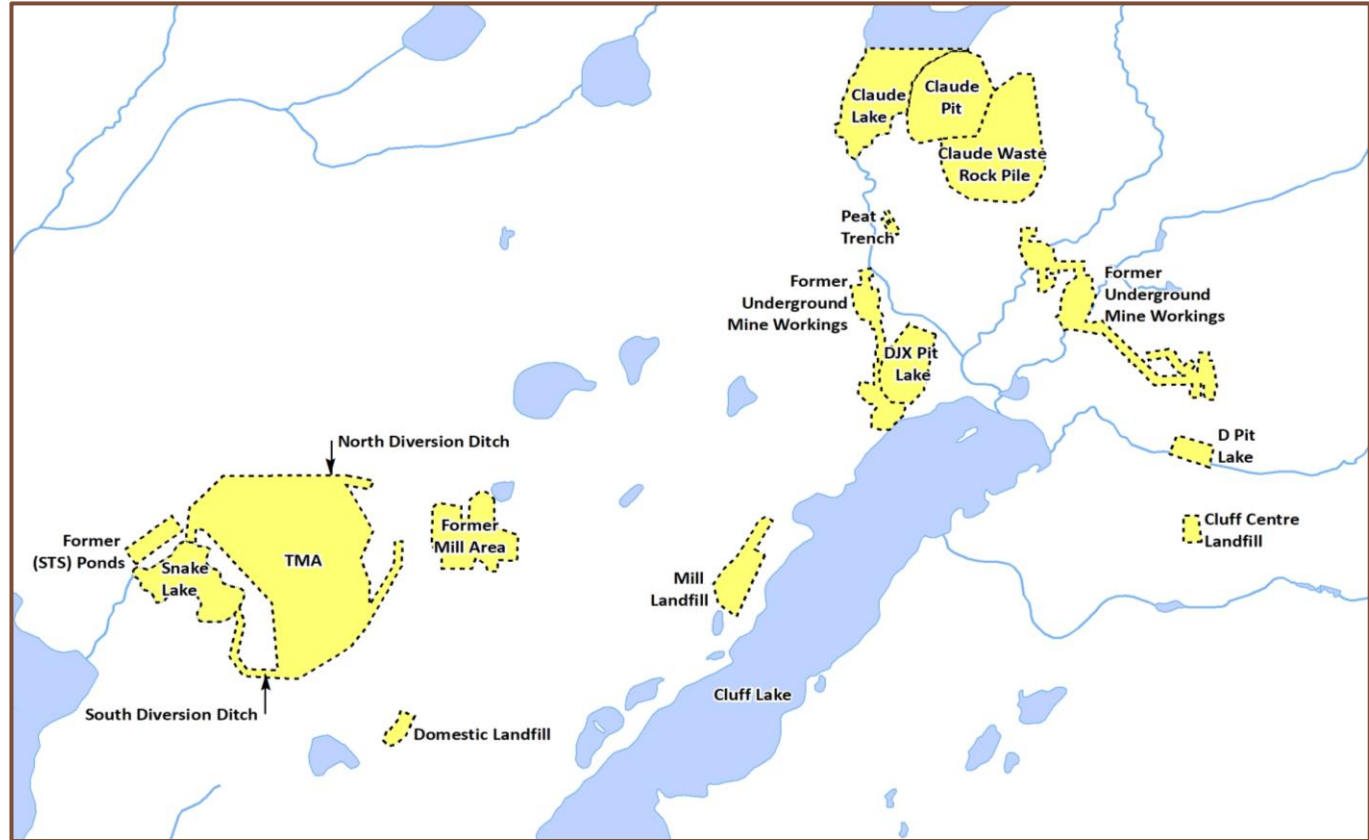


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Existing Licensed Area



Legend

 Surface Lease

Source: Orano Canada Inc.



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Major Decommissioning Milestones

2000 - 2003

- Comprehensive study for decommissioning (Cogema)
- Established CNSC-accepted decommissioning objectives in 2003 Comprehensive Study Report

2004 - 2006

- Primary decommissioning activities
- Partial surrender of provincial surface lease for lands unaffected by mining activities

2009

- Revised detailed decommissioning plan accepted by the Commission during licence renewal

2013 - 2015

- Remaining surface structures removed, continuous site presence discontinued
- Technical Information Documents submitted
- Completion of decommissioning follow-up program

2017 - 2018

- Environmental monitoring transitioned from 4 to 1 campaign per year
- Completion of activities under detailed decommissioning plan

2019 - 2023

- 2019, licence renewed for a period of 5 years
- Detailed post-decommissioning plan accepted by Commission
- Orano Canada submitted End State Report
- CNSC Environmental Protection Review Report
- **Today's Hearing**



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Commission Decision 2019: Decommissioning Objectives Met

- In the 2019 Record of Decision for CMD 19-H3, the Commission accepted that Orano had met the objectives of the Cluff Lake Project Detailed Decommissioning Plan and accepted the proposed Detailed Post-Decommissioning Plan
- Orano's end state report (2022) reaffirms compliance with the decommissioning objectives
- CNSC staff's Environmental Protection Review Report (2022) also supports these conclusions

All decommissioning objectives have been met



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INSTITUTIONAL CONTROL PROGRAM IN SASKATCHEWAN



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What is the ICP in Saskatchewan?

A regulatory process for long term property management by the Province of Saskatchewan

Transfer of properties/facilities into ICP can only occur after:

- Decommissioning is complete
- Properties are verified to be safe and stable
- Sufficient funds are in place for monitoring and maintenance, and unforeseen events
- The site is no longer regulated by any other level of government

**Only low risk
properties are
accepted by the
Province**

Detailed information is presented in CMD 23-H8.6 – *Written submission from the Saskatchewan Ministry of Energy and Resources*



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Saskatchewan's Regulatory Framework

- As a responsible authority the Saskatchewan government has a set of laws and regulations that apply to mining in the province, including:
 - Reclaimed Industrial Sites Act, 2007
 - Crown Minerals Act
 - Environmental Assessment Act
- The Saskatchewan Government has been managing operating and decommissioned sites under this framework for many decades



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Institutional Control Program in Saskatchewan CNSC's Role

The Province accepts into the ICP only post-decommissioned properties that are not licensed or are exempted from CNSC licensing (subsection 3(f) of Saskatchewan's *The Reclaimed Industrial Sites Regulations*)

Legislative Authority

- Section 7 of the *Nuclear Safety and Control Act*
- Section 11 of the *General Nuclear Safety and Control Regulations*



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CNSC STAFF'S ASSESSMENT OF APPLICATION



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CNSC Environmental Protection Review Report

- CNSC staff's assessment of the Cluff Lake site has found that:
- The potential for impacts to human health and the environment from radiological exposures is considered negligible.
- The potential for impacts to human health and the majority of environmental receptors from non-radiological exposures is considered negligible.
- Potential environmental impact to selected aquatic and terrestrial species from exposure to certain metals; however, the likelihood of these impacts is low.



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Safety and Control Areas

CNSC staff assess that Orano’s performance in relevant SCAs is satisfactory.

Commission staff has determined that there are **4 relevant safety and control areas** for this site and have put in place licence conditions for each:

- Overall level of risk associated with each SCA is Low (L)
- Overall compliance for each SCA assessed as Satisfactory (SA)

Safety and Control Area	Risk Ranking	Rating level
Management System	L	SA
Radiation Protection	L	SA
Conventional Health and Safety	L	SA
Environmental Protection	L	SA

SA = Satisfactory



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CNSC Regulatory Activities since 2019

- CNSC staff has reviewed Cluff Lake Annual Reports for 2019, 2020, 2021. No issues of non-compliance were identified.
- CNSC staff inspected the site in 2022. We were accompanied by Orano, the Province of Saskatchewan and a member of a local community. No issues of non-compliance were identified.
- There have been no reportable events associated with the site during the current licensing period.



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INDIGENOUS AND PUBLIC ENGAGEMENT AND PARTICIPANT FUNDING



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Indigenous Nations and Communities:

- Athabasca Chipewyan First Nation
- Birch Narrows Dene Nation
- Black Lake Denesuline First Nation
- Buffalo River Dene Nation
- Clearwater River Dene Nation
- Fond du Lac Denesuline First Nation
- Meadow Lake Tribal Council
- Métis Nation – Saskatchewan
Northern Region II
- Ya'thi Néné Lands and Resource Office



Source: CNSC September 2022



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Indigenous Engagement and Consultation Activities 1/4

- CNSC staff have continued to engage and consult with the identified Indigenous Nations and communities following the 2019 Cluff Lake licence renewal, both in-person and virtually, to listen and to understand concerns
- CNSC staff notified all identified Indigenous Nations and communities regarding Orano's licence application request on July 14th, 2022
- CNSC staff have conducted multiple meetings with the identified Indigenous Nations and communities to discuss Orano's licence application request and encouraged all interested communities to apply for participant funding and participate in the Commission hearing process



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Indigenous Engagement and Consultation Activities 2/4

- CNSC staff followed up with each Nation and community regarding the concerns raised in the 2019 licence renewal hearing
- CNSC staff have coordinated and attended multi-party meetings with interested Nations and communities that included Orano, CNSC staff and the Province to discuss concerns
- CNSC staff have followed up with Orano regarding proposals from Indigenous Nations and communities to consider including Indigenous Knowledge and Traditional Land Use information into Orano's sampling plans and programs
- CNSC staff have attended community tours and meetings with interested Nations and communities which involved discussions on Cluff Lake



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Indigenous Engagement and Consultation Activities 3/4

- Orano conducted engagement activities and reporting to the CNSC that followed REGDOC 3.2.2, *Indigenous Engagement*, for this licence application
- CNSC staff are satisfied with Orano's engagement activities and related efforts for this licence application and recommend that the Province of Saskatchewan continue engagement and collaboration with Indigenous Nations and communities through the ICP, should the Commission approve Orano's licence application request

CNSC staff are committed to ongoing engagement and collaboration with all of the identified Indigenous Nations and communities moving forward



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Indigenous Engagement and Consultation Activities 4/4

CNSC staff have heard the concerns and perspectives of the identified Indigenous Nations and communities, including:

- Lack of involvement in long-term monitoring and maintenance of the Cluff Lake site
- Lack of recognition and inclusion of Indigenous Knowledge in sampling and monitoring activities and plans
- Lack of engagement by companies and governments throughout the life-cycle of Cluff Lake
- Legacy impacts of the site including fear and avoidance of the region for traditional activities



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Licensee Public Information Program

CNSC staff reviewed Orano's Public Information and Disclosure Program and determined that it meets the requirements of CNSC's REGDOC-3.2.1, *Public Information and Disclosure*

Orano's Public Information Program is appropriate for the level of risk and public interest in the project



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Participant Funding Program

- Funding was provided to assist members of the public and Indigenous nations and communities in providing valuable information directly to the Commission
- CNSC awarded a total of \$201 699 to the following 6 recipients:

Athabasca Chipewyan First Nation

Birch Narrows Dene Nation

Clearwater River Dene Nation

Métis Nation – Saskatchewan

Saskatchewan Environmental Society

Ya'thi Néné Lands and Resource Office



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Interventions

Key Themes from Interventions

CNSC received submissions from some companies and associations, most from Indigenous Nations and communities. Some key themes include:

- Safety of the property and consumption of traditional foods and water, including fear and avoidance of the site for traditional activities
- Inadequate knowledge of Indigenous land use at the Cluff Lake site
- Concerns regarding the long-term monitoring and maintenance plan, including limited opportunities for collaboration on the plan



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Financial Guarantee

- An adequate Financial Guarantee is in effect until the end of the current licence term, in 2024
- This financial guarantee is payable to the Government of Saskatchewan, which is standard for Saskatchewan uranium mines
- Orano currently provides a surety bond in the amount of \$3.5 million for its financial guarantee, as approved by the Commission at the time of the 2019 licence renewal



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CNSC STAFF CONCLUSIONS RECOMMENDATIONS



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CNSC Staff Conclusions 1/2

CNSC staff conclude that the applicable performance indicators and criteria have been achieved for Orano's Cluff Lake site:

The environment remains protected for use by human and non-human biota

The reclaimed landscape remains chemically and physically stable

The self-sustaining landscape allows utilization for traditional purposes

The potential constraints on future land use are minimized



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CNSC Staff Conclusions 2/2

CNSC staff further conclude that:

- Should the Commission revoke the Cluff Lake licence and exempt the Province of Saskatchewan from licensing, the Province of Saskatchewan is prepared to regulate and manage the site in perpetuity
- Saskatchewan's Institutional Control Program will provide ongoing management and regulatory oversight by a competent authority, to ensure future safety



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CNSC Staff Recommendations

CNSC staff recommend the Commission:

- Revoke the CNSC-issued licence UML-MINEMILL-CLUFF.00/2024
- Exempt the Government of Saskatchewan from CNSC licensing under the *Nuclear Safety and Control Act* for the proposed properties, to allow the transfer to the Saskatchewan Institutional Control Program



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