



# Record of Decision

DEC 23-H101

In the Matter of

Applicant	<u>Cameco Corporation</u>
Subject	Application for the Renewal of the Beaverlodge Project Waste Facility Operating Licence
Date of Decision	May 10, 2023

**RECORD OF DECISION – DEC 23-H101**

Applicant: Cameco Corporation

Address/Location: 2121 – 11<sup>th</sup> Street West  
Saskatoon, SK, Canada

Purpose: Application for the Renewal of the Beaverlodge Project Waste  
Facility Operating Licence

Application received: August 10, 2022

Hearing: Public Hearing in Writing – Notice of Hearing in Writing  
published on September 13, 2022

Date of decision: May 10, 2023

Panel of the Commission: Dr. M. Lacroix, Presiding Member

**Licence: Renewed**

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## 1.0 INTRODUCTION

1. On August 10, 2022, Cameco Corporation (Cameco) applied to the Canadian Nuclear Safety Commission<sup>1</sup> (CNSC) for the renewal of the waste facility operating licence (WFOL), WFOL-W5-2120.2/2023, for its decommissioned Beaverlodge mine and mill site located in northern Saskatchewan, situated within historic Treaty 8 (1899) territory and the Homeland of the Métis, and within the traditional territories of the Dene, Cree, and Métis peoples. Cameco is seeking a term of 2 years for the renewed licence. Cameco's current licence is valid until May 31, 2023.
2. The decommissioned Beaverlodge mine and mill site currently consists of 27 individual properties licensed by the CNSC, and is located in northwestern Saskatchewan, approximately 8 kilometres from Uranium City. Historical mining activities in these areas were conducted primarily within 2 watersheds, the Ace Creek Watershed and the Fulton Creek Watershed, which both feed into Beaverlodge Lake. Decommissioning was completed in 1985. The current licence authorizes Cameco to manage ongoing reclamation, maintenance, and monitoring activities at the Beaverlodge properties.
3. Originally, the decommissioned Beaverlodge properties consisted of 70 individual properties. As Cameco has demonstrated that the properties have met the performance objectives of safe, secure, and stable/improving, Cameco has applied to amend its licence to remove properties from the licence in order enable transfer to [Saskatchewan's Institutional Control Program \(ICP\)](#). To date, the Commission has removed 43 Beaverlodge properties from licensing under the [Nuclear Safety and Control Act](#)<sup>2</sup> (NSCA): 5 properties in 2009,<sup>3</sup> 20 properties in 2019,<sup>4</sup> and 18 properties in 2022.<sup>5</sup> Of these, 42 were transferred to Saskatchewan's ICP, the Province of Saskatchewan being responsible for the monitoring and maintenance of the sites, and for the response to any unforeseen events. Respecting those properties transferred to the ICP, the Commission has exempted the province from the requirement to be licensed under the NSCA in respect of those properties.
4. With this application, Cameco is requesting a 2-year licence renewal to allow adequate time to complete the regulatory processes, document preparation, and public engagement activities required to support the release of the remaining 27 Beaverlodge properties to Saskatchewan's ICP. Cameco is not requesting any changes to the licensed activities or existing licence conditions. Cameco intends to apply for the

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<sup>1</sup> 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. 2007, c. 9.

<sup>3</sup> *Record of Decision in the Matter of Cameco Corporation's Application to Renew the Beaverlodge Mine and Mill Site Waste Facility Operating Licence and to Exempt Five Decommissioned Sites*, 18 February 2009

<sup>4</sup> *Record of Decision in the Matter of Cameco Corporation's Application to Remove 20 Properties from the Beaverlodge Waste Facility Operating Licence to Enable the Transfer of 19 Properties into the Saskatchewan Institutional Control Program*, 19 December 2019

<sup>5</sup> *Record of Decision in the Matter of Cameco Corporation's Application to Amend the Beaverlodge Waste Facility Operating Licence to Remove 18 Properties and Facilitate their Transfer into Saskatchewan's Institutional Control Program*, 7 September 2022

release of all remaining CNSC-licensed Beaverlodge properties prior to the end of the requested licence term, should the licence be renewed.

### Issues

5. The Commission is required to determine whether and what requirements the [Impact Assessment Act](#)<sup>6</sup> (IAA) imposes in relation to the activities sought to be authorized in Cameco's application to renew the waste facility operating licence for its decommissioned Beaverlodge mine and mill site. Satisfying any such requirements can be a prerequisite to licensing.
6. Pursuant to paragraphs 24(4)(a) and (b) of the NSCA, in considering whether to renew the licence, the Commission must be satisfied that:
  - a) Cameco is qualified to carry on the activity that the renewed licence would authorize; and
  - b) in carrying on that activity, Cameco 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.
7. As an agent of the Crown, the Commission recognizes its role in fulfilling the Crown's constitutional obligations, along with advancing reconciliation with Canada's Indigenous peoples. The Commission's responsibilities include the duty to consult and, where appropriate, accommodate Indigenous interests where the Crown contemplates conduct which may adversely impact potential or established Aboriginal<sup>7</sup> or treaty rights<sup>8</sup>. As such, the Commission must determine what engagement and consultation steps and accommodation measures are called for, respecting Indigenous interests.

### Panel

8. Pursuant to section 22 of the NSCA, the President of the Commission established a Panel of the Commission, consisting of Dr. M. Lacroix, to consider the application. A [notice of hearing in writing](#) was published on September 13, 2022. The Commission, in conducting a public hearing based on written materials, considered written submissions from CNSC staff ([CMD 23-H101](#)) and Cameco ([CMD 23-H101.1](#)),

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<sup>6</sup> S.C. 2019, c. 28, s. 1.

<sup>7</sup> "Aboriginal" is the term used in this document when referring to the Crown's duty to consult as that is the term used in s. 35 of the Constitution Act, 1982. In all other cases, "Indigenous" is the preferred terminology and used accordingly.

<sup>8</sup> *Haida Nation v. British Columbia (Minister of Forests)*, 2004 SCC 73; *Taku River Tlingit First Nation v. British Columbia (Project Assessment Director)*, 2004 SCC 74.

[CMD 23-H101.1A](#), and [CMD 23-H101.1B](#)). The Commission also considered written submissions from 7 intervenors (see Appendix A for a list of interventions).

### Participant Funding

9. Pursuant to paragraph 21(1)(b.1) of the NSCA, the Commission has established a [Participant Funding Program](#) (PFP) to facilitate the participation of Indigenous Nations and communities, members of the public and stakeholders in Commission proceedings. In [September 2022](#), up to \$50,000 in funding was made available through the CNSC's PFP to review Cameco's licence renewal application and associated documents, and to provide the Commission with value-added information through topic-specific interventions. A Funding Review Committee (FRC), independent of the CNSC, reviewed the funding applications received and made recommendations on the allocation of funds. Based on the recommendations from the FRC, the CNSC [awarded a total of up to \\$38,885](#) to the Ya'thi Néné Land and Resource Office.

## **2.0 DECISION**

10. Based on its consideration of the matter, as described in more detail in the following sections of this *Record of Decision*, the Commission concludes the following:
  - the [Impact Assessment Act](#) (IAA) does not impose any obligation upon the Commission in this matter;
  - the contemplated licence renewal does not present any novel adverse impact on any potential or established Aboriginal claim or right;
  - the Commission's responsibility to uphold the honour of the Crown and its constitutional obligations with regard to engagement and consultation respecting Indigenous interests has been satisfied;
  - Cameco remains qualified to carry on the activities that the licence will authorize; and
  - Cameco, in carrying on these activities, 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*, renews the waste facility operating licence issued to Cameco Corporation for the decommissioned Beaverlodge mine and mill site located near Uranium City in northern Saskatchewan. The renewed licence, WFOL-W5-2120.0/2025, is valid from June 1, 2023 to May 31, 2025, unless suspended, amended, revoked or replaced.

11. The Commission renews the licence for a period of 2 years as recommended by CNSC staff in CMD 23-H101. The renewed licence contains no changes to the authorized activities or terms and conditions of the current licence.
12. The Commission delegates its authority, for the purpose described in licence condition 2.2 (Reporting Requirements), to the following CNSC staff:
  - Director, Uranium Mines and Mills Division;
  - Director General, Directorate of Nuclear Cycle and Facilities Regulation; and
  - Executive Vice-President and Chief Regulatory Operations Officer, Regulatory Operations Branch.

### **3.0 APPLICABILITY OF THE *IMPACT ASSESSMENT ACT***

13. In coming to its decision, the Commission was first required to determine whether any requirement under the IAA applied to the licence renewal application and whether an impact assessment was required.
14. Pursuant to the IAA and the [\*Physical Activities Regulations\*](#)<sup>9</sup> made under it, impact assessments are to be conducted in respect of projects identified as having the greatest potential for adverse environmental effects in areas of federal jurisdiction. In section 2 of CMD 23-H101, CNSC staff submitted that Cameco's application does not include activities that require an impact assessment per the *Physical Activities Regulations*, nor that meet the definition of a project on federal lands.
15. The Commission is satisfied that there is no requirement under the IAA for an impact assessment to be completed for this application for licence renewal. The Commission is also satisfied that there are no other applicable requirements of the IAA to be addressed in this matter.

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<sup>9</sup> SOR/2019-285.

#### 4.0 ISSUES AND COMMISSION FINDINGS

16. In making its licensing decision, the Commission considered specific relevant issues and submissions relating to Cameco's qualification to carry on the licensed activities. The Commission also considered 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.
17. The Commission's decision focuses on the issues relevant for this application, specifically:
  - Assessment of the licence application
  - Cameco's performance in relevant [safety and control areas](#) (SCAs)
  - Indigenous engagement and consultation
  - Other matters of regulatory importance
  - Licence length and conditions, including the delegation of authority

#### 4.1 Assessment of Licence Application

18. Cameco submitted a licence renewal application for the decommissioned Beaverlodge mine and mill site on [August 10, 2022](#). In its consideration of this matter, the Commission assessed the application submitted by Cameco, as required by the NSCA, the [General Nuclear Safety and Control Regulations](#)<sup>10</sup> (GNSCR), the [Uranium Mines and Mills Regulations](#)<sup>11</sup>, and other applicable regulations made under the NSCA, including the [Radiation Protection Regulations](#),<sup>12</sup> the [Nuclear Security Regulations](#),<sup>13</sup> and the [Packaging and Transport of Nuclear Substances Regulations, 2015](#).<sup>14</sup>
19. The GNSCR call on an applicant for a licence renewal to provide information regarding any changes in information to the CNSC as part of its application. Section 5 of the GNSCR provides:

An application for the renewal of a licence shall contain

- (a) the information required to be contained in an application for that licence by the applicable regulations made under the Act; and
- (b) a statement identifying the changes in the information that was previously submitted.

Section 7 of the GNSCR also provides that:

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<sup>10</sup> SOR/2000-202.

<sup>11</sup> SOR/2000-206.

<sup>12</sup> SOR/2000-203.

<sup>13</sup> SOR/2000-209.

<sup>14</sup> SOR/2015-145.



An application for a licence or for the renewal, suspension in whole or in part, amendment, revocation or replacement of a licence may incorporate by reference any information that is included in a valid, expired or revoked licence.

20. In Appendix B.2 of CMD 23-H101, CNSC staff reported that its assessment of Cameco's licence application included a completeness check, a sufficiency check, and a technical assessment against regulatory requirements. CNSC staff found all aspects of Cameco's application to be satisfactory.
21. The Commission concludes that Cameco's licence renewal application is complete, and complies with the regulatory requirements respecting an application for licence renewal. The Commission notes that Cameco's application and supporting documentation identify how Cameco will meet regulatory requirements and that CNSC staff's assessment confirms that Cameco's application complies with the regulatory requirements respecting an application for licence renewal set in the NSCA and applicable regulations.

#### **4.2 Cameco's Performance at the Beaverlodge Site**

22. The Commission examined CNSC staff's assessment of Cameco's performance with respect to the CNSC's [SCA](#) framework for the purpose of evaluating Cameco's licence renewal application. CNSC staff submitted information on Cameco's performance in the following SCAs applicable to Cameco's licence:

- Management System
- Operating Performance
- Safety Analysis
- Physical Design
- Radiation Protection
- Conventional Health and Safety
- Environmental Protection
- Emergency Management and Fire Protection
- Safeguards and Non-Proliferation

CNSC staff reported that Cameco had implemented and maintained programs as required by its licence, and that Cameco's performance in all applicable SCAs had remained "satisfactory" during the current licence period. CNSC staff based its conclusions on oversight activities which included compliance inspections, document reviews, and technical assessments.<sup>15</sup>

23. The Commission considered the information on the record concerning all applicable SCAs and notes that CNSC staff did not report any notable performance issues related

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<sup>15</sup> Section 1.2, CMD 23-H101.

to any SCA. The Commission therefore focused its assessment on the radiation protection, environmental protection, and conventional health and safety SCAs, as it considers these three SCAs to be most representative of Cameco's overall safety performance at the decommissioned Beaverlodge mine and mill site.

### Radiation Protection

24. The radiation protection SCA covers the implementation of a radiation protection program in accordance with the *Radiation Protection Regulations*. This program must ensure that contamination levels and radiation doses received are monitored, controlled, and kept as low as reasonably achievable (ALARA) with social and economic factors being considered.
25. In section 3.5 of CMD 23-H101.1A, Cameco submitted that radiation risks to persons accessing the decommissioned Beaverlodge mine and mill site are low. Cameco conducted a site-wide gamma survey in 2014 as gamma radiation was the only non-negligible dose contributor at the site. Cameco reported that the results of the gamma survey showed that members of the public accessing the site for traditional activities, and workers performing routine activities, are not at risk of exceeding the public dose limit of 1 millisievert (mSv)/year.<sup>16</sup> Cameco added that it implements project-specific radiation protection measures to protect workers during non-routine work activities, as required.
26. In section 3.7 of CMD 23-H101, CNSC staff confirmed that, due to the low levels of radiation at the site, the risk of radiation exposure for workers and the public accessing the decommissioned Beaverlodge mine and mill site is low. CNSC staff reported that Cameco had implemented an effective radiation program that Cameco will continue to maintain over the proposed 2-year licence period. CNSC staff assessed Cameco's radiation protection program through regulatory oversight activities including inspections, and by reviewing program documents and annual compliance reports.
27. Cameco submitted that one project, the Bolger flow path reconstruction project, required the implementation of project specific radiation protection measures during the licence term. The project was completed between 2014 and 2015, with only minor finishing work completed in 2016. Radiation protection measures included designating workers as nuclear energy workers (NEW), giving workers radiation protection training, and tracking worker dose with personal dosimeters. CNSC staff reported that it reviewed Cameco's radiation protection plan for the project and found it to be adequate to protect workers. CNSC staff noted that, in 2014 and 2015, the maximum gamma radiation exposure for a NEW on the site was 0.90 mSv and 0.30 mSv,

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<sup>16</sup> The *Radiation Protection Regulations* define the dose limit for a person who is not a nuclear energy worker as 1 mSv per calendar year.

respectively – well below the annual regulatory limit for NEW.<sup>17,18</sup> No other individual dose monitoring was conducted during the current licence term.

28. The Commission is satisfied that Cameco has a radiation protection program in place to protect the health and safety of persons and the environment from radiation hazards associated with the decommissioned Beaverlodge mine and mill site. The Commission bases its conclusion on the following:
- CNSC staff has verified through inspections and documentation reviews that Cameco's radiation protection program meets regulatory requirements, including the Radiation Protection Regulations
  - Cameco has implemented adequate radiation protection plans for non-routine work during the licence period
  - Radiation doses to people at the decommissioned Beaverlodge site, including workers, were well below regulatory limits during the current licence period

#### Environmental Protection

29. The environmental protection SCA covers the implementation of an environmental protection program that identifies, controls, and monitors all releases of radioactive and hazardous substances. Environmental protection programs aim to minimize the effects on the environment which may result from the licensed activities.
30. In section 3.7 of CMD 23-H101.1A, Cameco submitted that it had implemented an environmental monitoring program at the decommissioned Beaverlodge mine and mill site in compliance with CSA N288.4-10 – *Environmental Monitoring Programs at Class I Nuclear Facilities and Uranium Mines and Mills*.<sup>19</sup> Cameco explained that it has continuously updated its environmental monitoring program since the site was decommissioned, evaluating monitoring locations and sampling frequencies to maintain the program. Cameco added that it has in place a quality assurance process to confirm that the monitoring data is accurate.
31. In section 4.3.4 of CMD 23-H101.1A, Cameco reported that it revised its environmental risk assessment (ERA) in 2020, in accordance with CSA N288.6-12 – *Environmental Risk Assessment at Class I Nuclear Facilities and Uranium Mines and Mills*.<sup>20</sup> Cameco reported that the 2020 ERA utilized a new modelling framework that considered revised surface water quality performance indicators, updated

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<sup>17</sup> The regulatory dose limits for nuclear energy workers are 50 mSv in any one year and 100 mSv in a five-year dosimetry period. The regulatory dose limit for members of the public is 1 mSv in one calendar year.

<sup>18</sup> Section 3.7.2, CMD 23-H101.

<sup>19</sup> CSA N288.4-10, *Environmental Monitoring Programs at Class I Nuclear Facilities and Uranium Mines and Mills*, CSA Group, 2010 (R2015).

<sup>20</sup> CSA N288.6-12 *Environmental Risk Assessment at Class I Nuclear Facilities and Uranium Mines and Mills*, CSA Group, 2012 (R2017).

environmental monitoring data, and the potential impacts of climate change. Cameco submitted that the 2020 ERA concluded that the local environment would continue to recover over time, and that the impacts of climate change are not expected to have a significant effect on the recovery of the Beaverlodge site. The 2020 ERA also included a human health risk assessment which found that radiological and non-radiological sources at the decommissioned Beaverlodge mine and mill site are not expected to pose a risk to human health. CNSC staff confirmed that Cameco's 2020 ERA complies with CSA N288.6-12.<sup>21</sup> CNSC staff noted that the updated ERA conclusions are consistent with those from the 2018 ERA.

32. In section 3.9 of CMD 23-H101, CNSC staff reported that Cameco has implemented an environmental protection program at the decommissioned Beaverlodge mine and mill site that meets regulatory requirements. CNSC staff noted that Cameco's environmental monitoring program adequately reflects the post-decommissioning status of the site. CNSC staff reported that it verified Cameco's performance with respect to environmental protection through oversight activities including inspections and document reviews.
33. In section 2 of CMD 23-H101, CNSC staff submitted that it completed an environmental protection review (EPR) for Cameco's licence renewal application, to ensure that the environment and the health of persons remain protected. CNSC staff's assessment included a review of the licence application, past environmental performance, compliance monitoring reports, local community health reports, occupational health studies, and supporting documents, including Cameco's 2020 ERA. The EPR found that Cameco has implemented and maintained an effective environmental protection program to adequately monitor and protect the environment and the health and safety of persons. The EPR further found that the licence renewal would not cause any new environmental impacts or adverse health outcomes as no new activities are proposed and the site is in a safe and passively stable state.
34. In section 4.3.2 of CMD 23-H101.1A, Cameco submitted that the Eastern Athabasca Regional Monitoring Program (EARMP) performs sampling in the Eastern Athabasca Basin for the purpose of identifying potential cumulative effects downstream of uranium mining and milling operations in the region. Cameco noted that the EARMP involves local communities in the sampling process. Cameco reported that the 2021 EARMP campaign found the chemical profiles for water, fish, berry, and mammal tissue samples to be similar to natural background.
35. Regarding the consumption of country foods, Cameco submitted that, in 2010, it contracted a third-party First Nations-owned company to conduct a country foods assessment with input from the local community. Cameco reported that the assessment concluded that country foods gathered in the Uranium City area could be consumed safely, provided that fish consumption advisories were followed. Cameco added that

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<sup>21</sup> Section 3.9, CMD 23-H101.

sampling conducted by community-based monitoring programs (EARMP and Community Based Environmental Monitoring Program; CBEMP) in 2021 and 2022 continued to show that country foods in the Beaverlodge area are safe for consumption, while respecting water and fish advisories.<sup>22</sup>

36. Cameco reported that, during the current licence term, one event occurred related to the environmental protection SCA. In August 2015, a release of high turbidity/total suspended solids from the Bolger flow path reconstruction project occurred when the excavation of frozen waste rock resulted in the release of water stored within the waste rock pile. In response, Cameco suspended the project while it implemented corrective actions to prevent a recurrence.<sup>23</sup> CNSC staff submitted that the event was of low safety significance and that, based on water quality samples collected during the event, there were no impacts to the environment. CNSC staff found that Cameco implemented acceptable corrective actions in response to the event.<sup>24</sup>
37. The Commission is satisfied that Cameco has an environmental protection program in place at the decommissioned Beaverlodge mine and mill site that has, and will continue to, protect the health and safety of persons and the environment. The Commission comes to its conclusion based on the following:
- CNSC staff inspected Cameco's environmental protection program and confirmed that it meets regulatory requirements;
  - Environmental monitoring data from the EARMP and CBEMP have shown no evidence of cumulative effects and continue to show that country foods in the Beaverlodge area are safe for consumption, while respecting water and fish advisories;
  - Cameco has maintained an ERA for the decommissioned Beaverlodge mine and mill site which is compliant with regulatory requirements and is supported by environmental monitoring data; and
  - The results of the 2020 ERA found that the local environment is expected to continue to recover over time, and that the impacts of climate change are not expected to have a significant effect on the recovery of the site.

#### Conventional Health and Safety

38. The conventional health and safety SCA covers the implementation of a program to manage workplace safety hazards and to minimize risks to the health and safety of workers posed by conventional (non-radiological) hazards in the workplace. This program includes compliance with applicable labour codes and conventional safety training.

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<sup>22</sup> Section 4.3, CMD 23-H101.1A.

<sup>23</sup> Section 3.7, CMD 23-H101.1A

<sup>24</sup> Section 3.9.2, CMD 23-H101

39. In section 3.6 of CMD 23-H101.1A, Cameco submitted information on its conventional health and safety program, including the completion of job-specific hazard assessments and the posting of signage to notify the public that the Beaverlodge properties are licensed nuclear facilities. Cameco noted that there are no full-time workers at the decommissioned Beaverlodge site and that the majority of monitoring and maintenance work at the site is completed by contracted workers. Cameco confirmed that contracted workers are required to comply with Cameco's conventional health and safety program.
40. In section 3.8 of CMD 23-H101, CNSC staff reported that Cameco maintains an effective conventional health and safety program at the decommissioned Beaverlodge site. CNSC staff noted that no conventional health and safety incidents or lost-time injuries were reported during the current licensing period.
41. The Commission is satisfied that Cameco has implemented a conventional health and safety program to protect the safety of workers and the public from non-radiological hazards at the decommissioned Beaverlodge site over the proposed licence period. The Commission bases its determination on the fact that CNSC staff's submissions demonstrate that Cameco's conventional health and safety program meets regulatory requirements. The Commission notes that Cameco has experienced no lost-time injuries at the decommissioned Beaverlodge site over the current licence period.

#### Other Safety and Control Areas

42. In its consideration of Cameco's past performance at the decommissioned Beaverlodge mine and mill site, the Commission considered the information on the record concerning all SCAs applicable to Cameco's licence. Though the Commission focused its assessment on the radiation protection, environmental protection, and conventional health and safety SCAs, it also examined Cameco's performance related to the remaining six applicable SCAs.
43. With respect to the management system SCA, CNSC staff submitted, in section 3.1 of CMD 23-H101, that Cameco has an appropriate management system in place to monitor and maintain the Beaverlodge site. CNSC staff reported that Cameco has applied its corporate wide safety, health, environment, and quality policy to the Beaverlodge site and that, during the current licence term, Cameco developed a site-specific management system to ensure that the implementation of remedial work was effectively managed and controlled. CNSC staff further reported that Cameco has implemented appropriate organization and management structures to adequately carry out licensed activities and expects that it will continue to do so over the proposed licence term.

44. Regarding the operating performance SCA, CNSC staff submitted, in section 3.3 of CMD 23-H101, that Cameco has maintained an effective operating performance program which includes adequate processes for the reporting of information to the CNSC in compliance with CNSC [REGDOC-3.1.2, Reporting Requirements, Volume I: Non-Power Reactor Class I Nuclear Facilities and Uranium Mines and Mills](#).<sup>25</sup> CNSC staff is of the view that Cameco has conducted activities the Beaverlodge site in compliance with regulatory requirements throughout the current licence term. CNSC staff reported that it conducted annual inspections during the licence term to observe and evaluate Cameco's remediation activities and to verify the condition of the property. During the current licence term, CNSC staff issued 5 low-risk notices of non-compliance as a result of inspection findings. CNSC staff added that Cameco had adequately addressed all findings.
45. With respect to the safety analysis SCA, CNSC staff submitted, in section 3.4 of CMD 23-H101, that Cameco has completed a safety analysis, and supporting studies, that have effectively identified and recorded the risks associated with the decommissioned Beaverlodge mine and mill site. CNSC staff reviewed Cameco's safety analyses and found the methodology and conclusions to be acceptable. CNSC staff noted that Cameco has made reasonable efforts to manage all residual risks.
46. Cameco reported that, during the current licence term, one event occurred related to the safety analysis SCA. In October 2013, a low-risk event related to crown pillar stability occurred at the ACE 1 property. Cameco reported that it completed a geotechnical assessment and implemented corrective actions as a result of the event.<sup>26</sup> CNSC staff confirmed that Cameco implemented appropriate corrective actions and further noted that this event contributed to the establishment of the "stable crown pillar" performance indicator in 2014.<sup>27</sup>
47. With respect to the physical design SCA, CNSC staff reported, in section 3.5 of CMD 23-H101, that Cameco followed its design control process while undertaking activities at the decommissioned Beaverlodge mine and mill site during the current licence term. CNSC staff submitted that Cameco's design efforts during the licence period focused on the design of various remedial options including the Bolger flow path reconstruction project, plugging boreholes, replacing caps on vertical mine openings, and covering waste rock and tailing areas that had an elevated gamma field.
48. Regarding the emergency management and fire protection SCA, CNSC staff reported, in section 3.10 of CMD 23-H101, that Cameco has implemented satisfactory emergency preparedness and fire prevention and preparedness plans at the decommissioned Beaverlodge mine and mill site. Noting that the Beaverlodge site has

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<sup>25</sup> CNSC REGDOC-3.1.2, *Reporting Requirements, Volume I: Non-Power Reactor Class I Nuclear Facilities and Uranium Mines and Mills*, January 2018.

<sup>26</sup> Section 3.3, CMD 23-H101.1A

<sup>27</sup> Section 3.4.2, CMD 23-H101

no onsite infrastructure, CNSC staff reported that Cameco developed an annual wildfire prevention and preparedness plan, and prepared project-specific emergency response plans to support specific remedial projects during the current licence term.

49. With respect to the safeguards and non-proliferation SCA, which covers the programs and activities required for the successful implementation of the obligations arising from the [Comprehensive Safeguards Agreement](#)<sup>28</sup> and [Additional Protocol](#)<sup>29</sup> (safeguards agreements) between Canada and the International Atomic Energy Agency (IAEA), as well as other measures arising from the [Treaty on the Non-Proliferation of Nuclear Weapons](#), CNSC staff submitted, in section 3.13 of CMD 23-H101, that Cameco has maintained a safeguards program that complies with CNSC [REGDOC-2.13.1, Safeguards and Nuclear Material and Accountancy](#)<sup>30</sup> where applicable to a decommissioned site. CNSC staff noted that, under the safeguards agreements, the IAEA may request access to a decommissioned site, and reasonable support and assistance must be provided. CNSC staff reported that there were no requests by IAEA inspectors to access the Beaverlodge site during the current licence term.<sup>31</sup>
50. The Commission is satisfied that Cameco has adequate programs in place with respect to the applicable SCAs to ensure that the health and safety of workers, the public and the environment will be protected over the proposed licence term. The Commission is further satisfied that Cameco has the programs in place to make adequate provision for the maintenance of national security and the measures required to implement the international obligations to which Canada has agreed.

#### *4.2.1 Conclusions on Cameco's Performance*

51. The Commission concludes that Cameco has adequate programs in place with respect to the applicable SCAs to ensure that the health and safety of workers, the public and the environment will be protected over the proposed 2-year licence term. The Commission comes to its conclusion noting that:
- CNSC staff has verified and confirmed through inspections and documentation reviews that Cameco has programs in place that meet regulatory requirements and that Cameco's performance in each applicable SCA was "satisfactory"; and

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<sup>28</sup> *Agreement Between the Government of Canada and the International Atomic Energy Agency for the Application of Safeguards in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons*, INFCIRC/164, 2 June 1972 (entered into force on 21 February 1972).

<sup>29</sup> *Protocol Additional to the Agreement Between Canada and the International Atomic Energy Agency for the Application of Safeguards in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons*, INFCIRC/164/Add.1, 11 October 2000.

<sup>30</sup> CNSC, REGDOC-2.13.1, *Safeguards and Nuclear Material and Accountancy*, February 2018.

<sup>31</sup> Section 3.13, CMD 23-H101.



- CNSC staff confirmed that Cameco has implemented appropriate corrective actions in response to reportable events and inspection findings over the current licence term.

### 4.3 Indigenous Engagement and Consultation

52. The Commission considered the information provided by CNSC staff and Cameco regarding Indigenous consultation and engagement activities in respect of this licence renewal application, and has also considered the information and submissions of intervenors. Indigenous consultation refers to the common law duty to consult with Indigenous Nations and communities pursuant to section 35 of the [\*Constitution Act, 1982\*](#).<sup>32</sup>
53. The common law duty to consult with Indigenous Nations and communities is engaged when the Crown contemplates action that may adversely affect established or potential Aboriginal and/or treaty rights. The CNSC, as an agent of the Crown and as Canada's nuclear regulator, recognizes and understands the importance of building relationships and engaging with Canada's Indigenous Nations and communities. The CNSC ensures that its licensing decisions under the NSCA uphold the honour of the Crown and consider potential impacts to claimed or established Aboriginal and/or treaty rights pursuant to section 35 of the *Constitution Act, 1982*.
54. The duty to consult is engaged wherever the Crown has "knowledge, real or constructive, of the potential existence of an Aboriginal right or title and contemplates conduct that might adversely affect it."<sup>33</sup> Licensing decisions of the Commission, where Indigenous interests may be adversely impacted, can engage the duty to consult, and the Commission must be satisfied that it has met the duty prior to making the relevant licensing decision.

#### Indigenous Engagement by CNSC Staff

55. In section 4.1 of CMD 23-H101, CNSC staff provided the Commission with information about its engagement activities with the Indigenous Nations, communities, and organizations that were identified as having a potential interest in Cameco's requested licence renewal. CNSC staff identified these communities due to the proximity of their communities, treaty areas, and/or traditional territories and homelands to the Beaverlodge properties or due to previously expressed interest in being kept informed, and included:
- Athabasca Chipewyan First Nation (ACFN)

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<sup>32</sup> Schedule B to the *Canada Act 1982* (UK), 1982, c 11.

<sup>33</sup> *Haida Nation v. British Columbia (Minister of Forests)*, 2004 SCC 73 at para 35.

- Métis Nation-Saskatchewan (MN-S) (including, of Northern Region 1, Métis Local #50 – Uranium City and Métis Local #80 – Stony Rapids)
  - Ya'thi Néné Land and Resource Office (YNLR; representing Black Lake, Hatchet Lake, and Fond du Lac Denesūłiné First Nations as well as the municipalities of Stony Rapids, Uranium City, Wollaston Lake, and Camsell Portage)
56. CNSC staff also identified the Northern Saskatchewan Environmental Quality Committee (NSEQC), a Saskatchewan provincial government advisory committee representing northern municipalities and First Nation communities, as potentially having an interest in Cameco's request.
57. CNSC staff submitted that it sent letters of notification to the identified Indigenous Nations and communities on September 13, 2022, informing them of Cameco's licence renewal request and providing information regarding the proposed 2-year licence renewal, the availability of participant funding, and details on how to participate in the hearing in writing. CNSC staff conducted follow-up correspondence by email and in person to ensure receipt of the information and to answer questions with regards to the renewal and the Beaverlodge site. CNSC staff reported that it encouraged the Indigenous Nations and communities to provide written interventions for the hearing in writing.
58. CNSC staff reported that it provided the identified Indigenous Nations and communities with regular updates on the Beaverlodge Project and that it followed up with them regarding concerns raised in previous hearings. Such activities included a visit to Fort Chipewyan in September 2022 where CNSC staff updated the ACFN Elders Council on the Beaverlodge Project and followed up on a concern ACFN raised at the [October 2019 hearing](#) related to historic contamination of the Transport Canada dock in the community. CNSC staff noted that it did not measure any contamination at the dock.
59. CNSC staff submitted that the licence renewal application does not propose any new activities that could potentially impact Indigenous and/or Treaty rights. CNSC staff noted that it had not received any concerns related to potential impacts on rights specific to the proposed licence renewal from Indigenous Nations, communities, and organizations. CNSC staff noted its commitment to provide opportunities for meaningful long-term engagement with any Indigenous Nations and communities to address any concerns with regards to the licence renewal application and the Beaverlodge Project.
60. CNSC staff added that it had established a Terms of Reference for long-term engagement with the YNLR. CNSC staff expressed its commitment to remain open to developing long-term working relationships with other interested Indigenous Nations and communities.

### Indigenous Engagement by Cameco

61. Cameco submitted an Indigenous Engagement Report (CMD 23-H101.1B) detailing its ongoing engagement activities with Indigenous Nations and communities near the decommissioned Beaverlodge mine and mill site. Cameco reported that it targeted its Indigenous engagement activities toward the rights-bearing First Nation and Métis communities of the Athabasca Basin, both directly and indirectly through organizations such as the Athabasca Joint Engagement and Environmental Sub-Committee (AJES), the NSEQC, and the YNLR. The primary audience included three Indigenous communities: the Black Lake Denesūliné First Nation, Fond du Lac Denesūliné First Nation and the Hatchet Lake Denesūliné First Nation.
62. Cameco informed the Commission that its engagement activities include meetings, site tours, community visits, and public information sessions. Cameco noted that it holds an annual public meeting where it discusses activities at the Beaverlodge site and the schedule for transferring the decommissioned Beaverlodge properties to Saskatchewan's ICP. Cameco added that it often hosts a site tour in conjunction with the annual meeting, with the most recent site tour occurring alongside the annual meeting in September 2022. During the COVID-19 pandemic, Cameco utilized virtual meetings and video tours to continue engagement.
63. Cameco submitted that it initiated engagement activities specific to the proposed licence renewal request in June 2022, in advance of its application. Cameco reported that it discussed its application as part of the quarterly update with the AJES subcommittee in June 2022 and at the annual public meeting and site tour in September 2022. Cameco added that no concerns were raised regarding the licence renewal application during these engagement activities.
64. Cameco noted that it signed in 2016 the Ya'thi Néné Collaboration Agreement, a confidential collaboration agreement, with the seven Athabasca Basin communities.<sup>34</sup> Cameco explained that collaboration with the communities under the collaboration agreement occurs primarily through the AJES. Cameco meets with the AJES regularly to discuss matters including the Beaverlodge Project, and to provide a forum for the communities to share traditional knowledge.

### Submissions by Indigenous Nations and Communities

65. The Commission received written interventions from four Indigenous Nations, communities, and organizations:

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<sup>34</sup> Signatories of the Ya'thi Néné Collaborative Agreement are the following: Uranium City; Northern Settlement of Camsell Portage; Northern Hamlet of Stony Rapids; Northern Settlement of Wollaston Lake; Fond du Lac Denesūliné First Nation (Fond du Lac); Black Lake Denesūliné First Nation; and Hatchet Lake Denesūliné First Nation.

- NSEQC ([CMD 23-H101.4](#))
- Mr. Victor Fern of Fond du Lac Denesųliné First Nation ([CMD 23-H101.5](#))
- AJES ([CMD 23-H101.6](#))
- YNLR ([CMD 23-H101.8](#))

66. In its written submission, AJES provided the Commission with information on its role as the primary liaison between Cameco, Orano, and the seven Athabasca First Nations and Athabasca communities for the sharing of environmental monitoring and other environmental information. AJES submitted that Cameco has provided AJES with information on the Beaverlodge Project through regular meetings and through Cameco’s annual public meetings. AJES expressed the view that a 2-year licence renewal would allow time for thorough engagement activities to occur with those interested prior to Cameco requesting the transfer of the Beaverlodge properties to Saskatchewan’s ICP.
67. In its written submission, the NSEQC informed the Commission of its goal to cultivate and reinforce positive relationships with communities, resource developers, and government regulators. The NSEQC noted that a group of its members participated in the June 2022 site tour of the decommissioned Beaverlodge site and were impressed by the work that had been completed on-site. The NSEQC noted that its members had not raised any concerns with Cameco’s licence renewal application.
68. Mr. Fern of Fond du Lac supported Cameco’s licence renewal application. Mr. Fern submitted that, as a previous Chief of Fond du Lac – the closest First Nation to the decommissioned Beaverlodge properties – and a former board member of the YNLR who has worked in the uranium mines, he has participated in many engagement activities organized by Cameco, where he had the opportunity to raise questions as a representative of his community and industry and have these concerns addressed by Cameco. He believed that the licence renewal would allow for opportunity for engagement to occur for those interested.
69. YNLR reported in its written submission that its mandate is to protect the land and water of Nuhenéné while promoting the interests of the Athabasca Basin residents. YNLR supports the implementation of the Ya’thi Néné Collaboration Agreement on behalf of the seven Athabasca Basin communities and acts as the initial point of contact for consultation and engagement efforts from government and industry. YNLR noted that its First Nation members are all signatories to treaties with the Crown<sup>35</sup> and that most of the residents of the municipalities it represents are Indigenous peoples with Aboriginal and/or Treaty rights protected by section 35 of the *Constitution Act, 1982*. YNLR noted that it is not opposed to Cameco’s request for a 2-year licence renewal but

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<sup>35</sup> As mentioned in CMD 23-H101.8, Fond du Lac and Black Lake Denesųliné First Nations are both signatories to Treaty 8. Hatchet Lake Denesųliné First Nation is a signatory to Treaty 10.

requests that the renewed licence period be used to conduct additional studies and engagement activities, as described in the following paragraphs.

70. Similar to the concerns raised by the YNLR at the [2022 Beaverlodge hearing](#),<sup>36</sup> YNLR asserted in its written intervention that the CNSC has never completed a meaningful cumulative effects assessment in the Athabasca Basin, claiming that any cumulative effects assessment undertaken by the CNSC has only concerned itself with added cumulative effects on the environment contributed by particular projects, rather than considering the totality of cumulative effects. YNLR pointed to the decision, *Yahey v. British Columbia*,<sup>37</sup> that recognized failures in the provincial government's consideration of cumulative impacts leading to treaty infringement. YNLR recommended that the CNSC conduct a comprehensive assessment of cumulative effects in the Athabasca Basin, in collaboration with YNLR.
71. YNLR disagrees with the conclusion that there are no triggers for the duty to consult, and if appropriate, accommodate, remaining for Cameco in respect of the Beaverlodge Project. YNLR asserts that the Commission's constitutional and treaty obligations on behalf of the Crown "are upstream of its statutory responsibilities" and "must be fulfilled regardless of whether the statute expressly provides for them to be fulfilled", citing *Wahgoshig First Nation v Ontario*.<sup>38</sup> YNLR noted that "it is not enough to say that the decision currently under review will not add any new impacts and so the request should be granted," asserting that such approach may cause infringement on the Treaty rights of its members.
72. YNLR raised concern with the adequacy of the performance objectives and indicators that must be met for the remaining Beaverlodge sites to be released from licensing under the NSCA, noting that they do not adequately consider Indigenous knowledge, cumulative effects, or traditional use of the Beaverlodge properties. YNLR recommended that the Commission, as a condition of the licence renewal, should require CNSC staff to update the performance objectives and indicators in collaboration with Cameco and YNLR.
73. YNLR asserted that the communications it has received from Cameco and the CNSC have been confusing and too technical, noting specific concerns with the ability to understand hazard signage around the Beaverlodge site. YNLR highlighted the importance of communicating in plain language and in ways that are meaningful to affected communities. The Commission notes that the CNSC has a mandate to disseminate objective scientific information to the public and encourages CNSC staff and Cameco to work with YNLR regarding meaningful communications methods.

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<sup>36</sup> *Record of Decision in the Matter of Cameco Corporation's Application to Amend the Beaverlodge Waste Facility Operating Licence to Remove 18 Properties and Facilitate their Transfer into Saskatchewan's Institutional Control Program*, 7 September 2022.

<sup>37</sup> 2021 BCSC 128 (British Columbia Supreme Court).

<sup>38</sup> 2011 ONSC 7708 (Ontario Supreme Court).

#### 4.3.1 Conclusion on Indigenous Consultation and Engagement

74. The Commission acknowledges the current efforts and commitments made by Cameco in relation to Indigenous engagement and CNSC staff's efforts in this regard on behalf of the Commission with respect to this application. The Commission recognizes the ongoing engagement relative to the decommissioning of Beaverlodge sites over the last decade. The Commission also acknowledges and appreciates the information and submissions provided by all the Indigenous intervenors.
75. The quasi-judicial decision-making being undertaken by the Commission in this matter – the “Crown conduct” that could trigger a duty to consult – is the licence renewal decision. The application for licence renewal under consideration by the Commission does not include any new project or undertaking at the Beaverlodge site. The relevant question, therefore, is whether the licence renewal has the potential to affect asserted Indigenous rights in a novel way.<sup>39</sup> Based on the information presented on the record for this hearing, the Commission is satisfied that this licence renewal will not result in changes to Beaverlodge operations that could cause novel adverse impacts to any potential or established Indigenous and/or treaty rights.<sup>40</sup>
76. Nonetheless, the Crown's obligation to Indigenous peoples and in its dealings with Indigenous peoples also requires upholding the Honour of the Crown and working towards reconciliation, a fundamental purpose of section 35 of the Constitution. In seeking to uphold the honour of the Crown, the Commission considers the concerns raised by Indigenous Nations and communities carefully, keeping an open mind, and seeking to accommodate concerns where possible. A strict legal interpretation of the extent of the duty need not constrain the Commission's commitment to reconciliation. The Commission is of the view that the Honour of the Crown<sup>41</sup> has been upheld in this licensing matter, given the extent of the engagement activities and the opportunities provided by the participant funding program and the public hearing in writing. The Commission acknowledges the participation of Indigenous intervenors through written submissions.
77. The Commission is satisfied with CNSC staff's efforts to engage with Indigenous Nations and communities who may have interest in the decommissioned Beaverlodge mine and mill site; efforts made by CNSC staff in this regard are an important part of the work of the Commission toward reconciliation and relationship-building with Canada's Indigenous Nations and communities. The Commission also notes the efforts

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<sup>39</sup> As noted in *Rio Tinto*, the effects that would trigger a duty to consult are not the effects of the historical harm done. Where there are ongoing effects of historical harm, other types of redress are available to an Indigenous nation or community, outside the duty to consult.

<sup>40</sup> *Rio Tinto Alcan Inc. v. Carrier Sekani Tribal Council*, 2010 SCC 43 at para 45, 48-49.

<sup>41</sup> *Rio Tinto Alcan Inc. v. Carrier Sekani Tribal Council*, 2010 SCC 43, at paras 45 and 49.

by Cameco, which has included regular meetings and site tours - both in person, and virtually during the COVID-19 pandemic.

78. In considering the application of the duty to consult relative to Cameco's current application, the Commission heeds the Supreme Court of Canada's decision in *Rio Tinto* where it said that the duty to consult is confined "to adverse impacts flowing from the specific Crown proposal at issue—not to larger adverse impacts of the project of which it is a part. The subject of the consultation is the impact on the claimed rights of the *current* decision under consideration" [*Rio Tinto* at para 53 (emphasis in original)].
79. While cumulative effects of an ongoing project, and historical context, may inform the scope of the duty to consult,<sup>42</sup> the matter before the Commission cannot properly be used "to attempt the redress of past wrongs. Rather, it is simply to recognize an existing state of affairs, and to address the consequences of what may result from the project."<sup>43</sup> As noted in *Rio Tinto*, the effects that would trigger a duty to consult are not the effects of the historical harm done. Where there are ongoing effects of historical harm, other types of redress are available to an Indigenous Nation or community, outside the duty to consult. The Commission notes that any future application that contemplates a project for industrial development, disturbance to the land and environment, or a taking up of the land would likely necessitate an assessment of the combined impact of past, present and potential future human activities and natural processes.
80. The Commission acknowledges the concerns raised by intervenors regarding the performance objectives and indicators and clarifies that the scope of this hearing is specifically on Cameco's application for a 2-year licence renewal. The Commission notes that the adequacy of the performance criteria and indicators – and whether each have been satisfied for a given property – is a matter for consideration at a future hearing for the release of the remaining Beaverlodge properties from licensing under the NSCA for transfer to the ICP. The Commission appreciates that this hearing provided an opportunity for intervenors to raise concerns regarding the performance criteria and indicators and looks forward to considering these topics at a future hearing on the matter.

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<sup>42</sup> *West Moberly First Nations v. British Columbia (Chief Inspector of Mines)*, 2011 BCCA 247, 18 B.C.L.R. (5th) 234, at para 117.

<sup>43</sup> *Chippewas of the Thames First Nation v. Enbridge Pipelines Inc.*, 2017 SCC 41, at para 42, citing *West Moberly First Nations v. British Columbia (Chief Inspector of Mines)*, 2011 BCCA 247, at para 19.

## 4.4 Other Matters of Regulatory Importance

### 4.4.1 Public Engagement

81. The Commission assessed Cameco's public information and disclosure program (PIDP) for the decommissioned Beaverlodge mine and mill site, and whether Cameco's PIDP meets the specifications of CNSC [REGDOC-3.2.1, Public Information and Disclosure](#).<sup>44</sup>
82. In section 4.2 of CMD 23-H101.1A, Cameco submitted that it has implemented and it maintains a Public Information Program (PIP) to ensure that target audiences with an interest in the decommissioned Beaverlodge site are informed on a timely basis about activities, as well as on potential effects on the environment and the health and safety of persons. Cameco explained that the primary audiences for the Beaverlodge PIP are the rights-bearing First Nation and Métis communities, which are located in the vicinity of the decommissioned Beaverlodge properties, specifically those based in the northern settlement of Uranium City. Cameco reported that it maintains a Public Disclosure Protocol for Beaverlodge, developed in accordance with guidance provided by REGDOC-3.2.1 and that it utilizes communication tools including annual meetings, site tours, fact sheets, posters, newsletters, virtual tours, presentations, and a dedicated [website](#).
83. In section 4.3 of CMD 23-H101, CNSC staff reported that Cameco revised its PIP in 2021. CNSC staff confirmed that the revised PIP meets the requirements of REGDOC-3.2.1. CNSC staff reported that it monitored Cameco's implementation of its PIP throughout the licence period to verify that it communicates regularly with its audiences in a way that is meaningful to them. CNSC staff found that Cameco communicated appropriate and timely health and safety information to the public and community members throughout the licence period.
84. The Commission is satisfied that Cameco has implemented a PIDP that meets regulatory requirements and is of the view that Cameco will continue to communicate to the public information about the health, safety and security of persons and the environment and other issues related to the decommissioned Beaverlodge mine and mill site. The Commission comes to this conclusion on the following basis:
  - The Commission agrees with CNSC staff's assessment that Cameco's PIP and Public Disclosure Protocol meet the requirements of REGDOC-3.2.1; and
  - The Commission is satisfied that Cameco met its public disclosure and reporting obligations throughout the current licence term.

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<sup>44</sup> CNSC REGDOC-3.2.1, Public Information and Disclosure, 2018.



#### 4.4.2 Financial Guarantee

85. In order to ensure that adequate resources are available for the safe and secure maintenance of the decommissioned Beaverlodge mine and mill site, the Commission requires that an adequate financial guarantee be in place and maintained in a form acceptable to the Commission throughout the licence period.
86. In section 6.0 of CMD 23-H101.1A, Cameco reported that all costs associated with the management of the decommissioned Beaverlodge mine and mill site are paid by Canada Eldor Inc., a wholly owned subsidiary of the Canada Development Investment Corporation. Both Canada Eldor Inc. and Canada Development Investment Corporation report to the Federal Minister of Finance. Cameco further submitted that Canada Eldor Inc. is an agent of the Crown in right of Canada. Therefore, Canada Eldor Inc.'s obligations and liabilities to decommission the Beaverlodge site and the expenses associated with possession, management, and control of nuclear substances at that site are the obligations and liabilities of the Crown in right of Canada.
87. In section 5.2 of CMD 23-H101, CNSC staff reported that the Department of Finance Canada confirmed that the Crown, through its agent, Canada Eldor Inc., remains responsible for any undischarged expenses associated with the decommissioning of the Beaverlodge site. CNSC staff confirmed that the commitment from the Department of Finance Canada fulfills the requirement of condition G.3 (Financial Guarantee) of the current licence, WFOL-W5-2120.2/2023, and would continue to do so for the proposed licence period.
88. The Commission is satisfied that Cameco continues to maintain an acceptable financial guarantee for the decommissioned Beaverlodge mine and mill site. The Commission concludes that the proposed licence renewal would not impact the existing financial guarantee arrangement under Cameco's licence.

#### 4.4.3 Cost Recovery

89. The Commission examined Cameco's standing under the [\*Canadian Nuclear Safety Commission Cost Recovery Fees Regulations\*](#)<sup>45</sup> (CRFR). Paragraph 24(2)(c) of the NSCA requires that a licence application be accompanied by the prescribed fee, as set out by the CRFR and based on the activities to be licensed. An applicant for a uranium mines and mills licence is subject to "Part 2" of the CRFR.
90. In section 5.0 of CMD 23-H101.1A, Cameco submitted that it remains in good standing with respect to the payment of all CNSC cost recovery fees for the Beaverlodge properties. In section 5.1 of CMD 23-H101, CNSC staff confirmed that Cameco is in good standing with the CRFR requirements.

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<sup>45</sup> SOR/2003-212.

91. Based on the information submitted by Cameco and CNSC staff, the Commission concludes that Cameco has satisfied the requirements of the CRFR for the purpose of this licence renewal and is of the view that Cameco will continue to pay its cost recovery fees over the proposed licence period.

#### **4.5 Licence Conditions, Licence Length, and Delegation of Authority**

92. Cameco has applied for the renewal of its Beaverlodge licence for a period of 2 years. Cameco's current licence for the Beaverlodge site, WFOL-W5-2120.2/2023, expires on May 31, 2023. Cameco is requesting a 2-year licence renewal, with no new authorizations, to allow adequate time to complete the regulatory processes, document preparation, and public engagement activities required to support the future release of the remaining 27 Beaverlodge properties to Saskatchewan's ICP.
93. Under the Proposed Licence Changes listed in Part Two of CMD 23-H101, CNSC staff recommended that the Commission accept Cameco's request for a 2-year licence renewal. CNSC staff reported that a 2-year licence will allow adequate time for CNSC staff to review Cameco's final request for release of the remaining 27 decommissioned Beaverlodge properties, and for Cameco and CNSC staff to prepare the necessary documentation to be presented to the Commission. Regarding licence conditions, CNSC staff confirmed that the proposed licence contains no changes to the existing licence conditions or format.
94. In order to provide adequate regulatory oversight of changes that are administrative in nature, and do not require a licence amendment nor Commission approval, CNSC staff recommended that the Commission delegate authority for certain approval or consent, as contemplated in licence conditions that contain the phrase "a person authorized by the Commission," to the following CNSC staff:
- Director, Uranium Mines and Mills Division;
  - Director General, Directorate of Nuclear Cycle and Facilities Regulation; and
  - Executive Vice-President and Chief Regulatory Operations Officer, Regulatory Operations Branch.

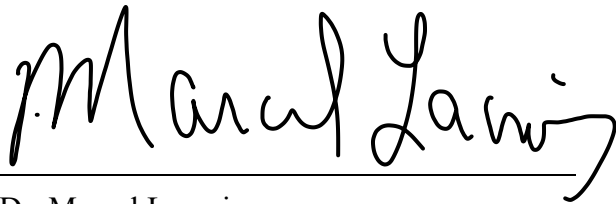
In section 5.3 of CMD 23-H101, CNSC staff recommended that the Commission delegate authority for licence condition 2.2 (Reporting Requirements).

95. Based on the information examined by the Commission, the Commission is satisfied that a 2-year licence is appropriate for the decommissioned Beaverlodge mine and mill site. The Commission accepts the licence conditions as recommended by CNSC staff, noting that the proposed licence contains no new authorizations.

96. The Commission delegates its authority for the purposes of licence condition 2.2 (Reporting Requirements), to the above CNSC staff as recommended. The Commission notes that the delegation of authority for licence condition 2.2 is for the purpose of the administration of that licence condition. In delegating authority for this licence condition, the Commission is authorizing the above CNSC staff to provide adequate regulatory oversight on its behalf. The Commission is satisfied that this approach is reasonable and consistent with the current licence.

## 5.0 CONCLUSION

97. The Commission has considered Cameco's licence renewal application for its waste facility operating licence for the decommissioned Beaverlodge mine and mill site for a period of 2 years. The Commission has also considered the information and submissions of Cameco, CNSC staff, and intervenors, as set out in the material available for reference on the record.
98. Based on its consideration of the evidence on the record of this hearing, the Commission, pursuant to section 24 of the NSCA, renews the waste facility operating licence issued to Cameco Corporation for the decommissioned Beaverlodge mine and mill site. The renewed licence, WFOL-W5-2120.0/2025, is valid from June 1, 2023 until May 31, 2025.



Dr. Marcel Lacroix  
Presiding Member,  
Canadian Nuclear Safety Commission

May 10, 2023

Date

## Appendix A – Intervenors

<b>Intervenors</b>	<b>Document Number</b>
Saskatchewan Mining Association	CMD 23-H101.2
Orano Canada Inc.	CMD 23-H101.3
Northern Saskatchewan Environmental Quality Committee	CMD 23-H101.4
Victor Fern	CMD 23-H101.5
Athabasca Joint Engagement and Environmental Subcommittee	CMD 23-H101.6
Canadian Nuclear Association	CMD 23-H101.7
Ya' thi Néné Lands and Resources Office	CMD 23-H101.8