



Canadian Nuclear
Safety Commission

Commission canadienne
de sûreté nucléaire

Summary Record of Proceedings and Decision

In the Matter of

Applicant **Saskatchewan Research Council**

Subject Application to extend the exemptions of the
Gunnar and Lorado sites from the
requirements of the *Nuclear Safety and
Control Act*

**Hearing
Date** December 10, 2009

SUMMARY RECORD OF PROCEEDINGS

Applicant: Saskatchewan Research Council

Address/Location: 125 – 15 Innovation Blvd., Saskatoon, SK S7N 2X8

Purpose: Application to extend the exemptions of the Gunnar and Lorado sites from the requirements of the *Nuclear Safety and Control Act*

Application received: August 14, 2009

Date of hearing: December 10, 2009

Location: Canadian Nuclear Safety Commission (CNSC), 280 Slater St., Ottawa, Ontario

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

Secretary: M.A. Leblanc
Recording Secretary: S. Dimitrijevic
Senior General Counsel: J. Lavoie

Exemption: Extended

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Introduction

1. Saskatchewan Research Council (SRC) has applied to the Canadian Nuclear Safety Commission¹ (CNSC) for extension of temporary exemptions of the Gunnar and Lorado sites from the requirements of the *Nuclear Safety and Control Act*² (NSCA). The current exemption expires on December 31, 2009. SRC sought an extension until December 31, 2014, to allow the necessary environmental assessment and licensing processes, which are currently underway, to be completed.
2. The Gunnar and Lorado sites are located in the area of Uranium City in northern Saskatchewan. The Gunnar site includes the mine, the mill and the tailings area. The site was closed in 1964 with no decommissioning of the facility. The Lorado mill was closed in 1967 and decommissioned in 1990. The most significant feature remaining at the Lorado site is a tailings area that extends into Nero lake. The Gunnar site is accessible only by air and water, while the Lorado site is accessible from Uranium City by all-weather road.
3. Following a cost sharing agreement between the governments of Canada and Saskatchewan, concluded with the September 2006 signing of the Canada-Saskatchewan Memorandum of Agreement on Funding, the Government of Saskatchewan signed an agreement with the SRC to manage and perform the remediation activities at the Gunnar site. In 2008, the Government of Saskatchewan signed a contract with the SRC to manage and perform the remediation activities at the Lorado site.
4. SRC submitted a project proposal to the CNSC to remediate the Gunnar site in April 2007, and a proposal to remediate the Lorado site in March 2009.

Issues

5. In considering the application, pursuant to section 7 of the *Nuclear Safety and Control Act* and section 11 of the *General Nuclear Safety and Control Regulations*³, the Commission was required to decide if the exemption:
 - a) might pose an unreasonable risk to the environment or the health and safety of persons;
 - b) might pose an unreasonable risk to national security; or
 - c) could result in a failure to achieve conformity with measures of control and international obligations to which Canada has agreed.

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

² Statutes of Canada, S.C. 1997, c. 9.

³ Statutory Orders and Regulations, S.O.R./2000-202

Hearing

6. The Commission, in making its decision, considered information presented for a public hearing held on November 10, 2009 in Ottawa, Ontario. The public hearing was conducted in accordance with the *Canadian Nuclear Safety Commission Rules of Procedure*.⁴ During the public hearing, the Commission received written submissions and heard oral presentations from CNSC staff (CMD 09-H15) and SRC (CMD 09-H15.1, CMD 09-H15.1A and CMD 09-H15.1B). The Commission also considered oral intervention and written submission from Métis Nation-Saskatchewan (CMD 09-H15.2).

Application of the *Canadian Environmental Assessment Act*

7. The Commission determined that there was no requirement for an Environmental Assessment pursuant to subsection 5(1) of the *Canadian Environmental Assessment Act*⁵ (CEAA). Therefore, the Commission is satisfied that all applicable requirements of the CEAA have been fulfilled.

Decision

8. Based on its consideration of the matter, the Commission concludes that SRC is qualified to carry on the activity related to the ongoing environmental assessment and licensing processes. The Commission is also satisfied that SRC, in carrying on that activity, will make adequate provision for the protection of the environment, the health and safety of persons and the maintenance of national security and measures required to implement international obligations to which Canada has agreed. Therefore,

the Commission, pursuant to section 7 of the *Nuclear Safety and Control Act* and section 11 of the *General Nuclear Safety and Control Regulations*, extends the temporary exemption of the Gunnar and Lorado sites from the requirements of the *Nuclear Safety and Control Act*.

9. With this decision, the Commission requests that CNSC staff prepare a report on the summary of remediation activities and safety performance at the Gunnar and Lorado sites. This report shall be presented at a public proceeding of the Commission two or three months after the environmental assessments are completed at the two sites

⁴ Statutory Orders and Regulations, S.O.R./2000-211.

⁵ Statutes of Canada, S.C. 1992, c. 37.

Issues and Commission Findings

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



DEC 24 2009

Michael Binder
President,
Canadian Nuclear Safety Commission

Date