



February 28, 2020

Mr. Marc Leblanc  
Commission Secretary  
Canadian Nuclear Safety Commission  
280 Slater Street  
Box 1046, Station B  
Ottawa, Ontario K1P 5S9

Dear Mr. Leblanc:

**Re: Application to Enable Transfer of Responsibility for the Cluff Lake Property to the Province of Saskatchewan Institutional Control Program**

**Orano Canada Inc.**

817 45th Street West  
Saskatoon SK S7L 5X2  
Tel.: +1 (306) 343-4500

In accordance with Sections 7 and 24 of the *Nuclear Safety and Control Act (NSCA)* and Sections 11 and 13 of the *General Nuclear Safety and Control Regulations (GNSCR)*, Orano Canada Inc. (Orano) is applying to the Canadian Nuclear Safety Commission (CNSC) to transfer responsibility for the currently licensed activity to possess, manage, store radioactive waste at the Cluff Lake Project (i.e. in-situ decommissioned waste rock and tailings) and exempt the Province of Saskatchewan from licensing. A CNSC exemption granted to the Government of Saskatchewan from the obligation to hold a license under the *NSCA* is a prescribed condition for acceptance of the decommissioned Cluff Lake property into the Saskatchewan Institutional Control (IC) Program<sup>1</sup>.

Transfer: Orano requests the transfer of the Cluff Lake Project activities, licensed under, Uranium Mine Licence UMDL-MINEMILL-CLUFF.00/224, to accompany the return of property to the Government of Saskatchewan control. The transfer is requested according to Subsection 24(4) of the *NSCA* and Section 13 of the *GNSCR* given the competence of the Province of Saskatchewan and contingent on the acceptance of the Cluff Lake property by Saskatchewan Ministry of Energy and Resources according to Section 5 of the *Reclaimed Industrial Sites Act*. The Province of Saskatchewan is qualified to possess, manage, store radioactive waste and, in doing so, will make adequate provision for the protection of the environment, health and safety of persons, and maintenance of national and international obligations.

Exempt: Orano requests an exemption to be granted to the Province of Saskatchewan for the activity of possess, manage, store radioactive waste on the Cluff Lake property according to Section 7 of the *NSCA* and Section 11 of the

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<sup>1</sup> *Reclaimed Industrial Site Regulations* S.3(f)



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*GNSCR*. Licence exemption is appropriate because the IC Program (i.e. registry and monitoring) was designed in collaboration with the CNSC to meet provincial, national, and international obligations for the oversight of decommissioned radioactive waste. The requested exemption will not I) pose unreasonable risk to the environment or health and safety of persons, II) pose unreasonable risk to national security, or III) result in a failure to achieve conformity with measures of control and international obligations to which Canada was agreed.

Following the transfer and exemption, the sole licensed activity (i.e. possess, manage, store radioactive waste) will no longer be licensed thereby effectively closing CNSC Licence UMDL-MINEMILL-CLUFF.00/2024. Orano notes that radioactive waste (i.e. decommissioned waste rock and tailings) at the Cluff Lake Project will not be abandoned; the responsibility for the materials is simply being transferred from one responsible party to another. IC monitoring and maintenance will be administered by the Province of Saskatchewan with adequate funds<sup>2</sup> and site knowledge<sup>3</sup>. Pursuant to Section 45(b) of the *NSCA*, the CNSC will be notified of any unforeseen event that is likely to result in exposure of people or the environment in excess of the prescribed limits and, pursuant to Subsection 43(3) of the *NSCA*, the CNSC has the authority to re-determine its decision(s) and require that the Cluff Lake Project again be licensed under the *NSCA* should that oversight be required.

We trust this application is satisfactory to support Orano's request for the transfer and exemption of Cluff Lake Project licensed activities. Given the scope of this application and advice from the CNSC Secretariat and Uranium Mines and Mills Division Staff, we are preparing for a one-day public hearing (pursuant to Subsection 40(5) of the *NSCA*) to be scheduled for the end of 2020 or early 2021.

Regards,

A handwritten signature in blue ink, appearing to read "Vincent Laniece".

Vincent Laniece  
Vice President Safety, Environment and Engineering

Attach./Encl.: Correspondence from V. Laniece (Orano) to C. Hughes (Saskatchewan Ministry of Energy and Resources), T. Moulding (Saskatchewan Ministry of Environment), G. Hayes (Saskatchewan Ministry of Environment), S. Boyes (Saskatchewan Ministry of Government Relations), P. Fundarek (Canadian Nuclear Safety Commission) dated February 28, 2020.

<sup>2</sup> *Reclaimed Industrial Sites Act* S.11 & 12, *Reclaimed Industrial Sites Regulations* S.4 & 5

<sup>3</sup> *Reclaimed Industrial Sites Act* S.6, *Reclaimed Industrial Sites Regulations* S.6



To: Mr. Leblanc

Re: Application to De-Licence the Cluff Lake Project (UMDL-MINEMILL-CLUFF.00/2024) to Enable Transfer of the Cluff Lake Property to the Province of Saskatchewan Institutional Control Program

cc:

Peter Fundarek, Director Uranium Mines and Mills Division

Ron Stenson, Senior Project Officer, CNSC

Cory Hughes, Executive Director – Mineral Policy, Saskatchewan Ministry of Energy and Resources

Tim Moulding, Manager Uranium and Northern Operations, Saskatchewan Ministry of Environment

Orano Cluff Lake Regulatory Distribution

/DM/TS/DH



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Mr Cory Hughes, Executive Director - Mineral Policy  
Saskatchewan Ministry of Energy and Resources

Mr Tim Moulding, Manager - Uranium and Northern Operations  
Mr Greg Hayes, Manager – Land Branch  
Saskatchewan Ministry of Environment

Mr Scott Boyes, Director – Northern Engagement  
Saskatchewan Ministry of Government Relations

Mr Peter Fundarek, Director – Uranium Mines and Mills Division  
Canadian Nuclear Safety Commission

**Orano Canada Inc.**

817 45<sup>th</sup> Street West  
Saskatoon SK S7L 5X2  
Tel.: +1 (306) 343-4500

Dear Mr Hughes, Mr Moulding, Mr Hayes, Mr Boyes, and Mr Fundarek:

**Re: Request to Transfer the Decommissioned Cluff Lake Mine and Mill Site into the Provincial Institutional Control Program**

Orano Canada Inc. (Orano) is requesting to transfer the decommissioned Cluff Lake mine and mill site (“the site” or “the property”) into the Province of Saskatchewan Institutional Control (IC) Program given that:

- I. Post-closure monitoring and risk assessments have demonstrated that the Cluff Lake site a) has sustainably achieved the agreed end-state, b) is expected to remain safe and stable under passive care, and c) residual risk is well understood and appropriate for IC.
- II. The provincial IC Program was a) established for land that, in consequence of development and use, requires long-term monitoring and maintenance b) developed to ensure the health, safety, and well-being of future generations and c) designed to meet provincial, national, and international obligations for the storage of radioactive materials.

A successful transfer to the IC Program will require simultaneous and contingent approvals from the Saskatchewan Ministry of Energy and Resources, Saskatchewan Ministry of Environment (Environmental Protection Division and the Lands Branch of the Resource Management and Compliance Division), and the Canadian Nuclear Safety Commission (CNSC). As such, this request to transfer the Cluff Lake property into the IC Program is submitted collectively to responsible organizations. This collective IC transfer request is accompanied by a formal application to the CNSC Secretariat requesting a one-day public hearing date be scheduled for the end of 2020 or early 2021, with the expectation that all parties will be in a position to make final determinations on their respective decisions at that time.

Saskatchewan Ministry of Energy and Resources: Orano requests that the Ministry of Energy and Resources accept the Cluff Lake property in accordance



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with Section 5 of the *Reclaimed Industrial Sites Act* and to create a Crown Reserve according to Section 21 of the *Crown Minerals Act* as delineated by the Provincial Surface Lease (Property No. 200085) dated April 10, 2002 and amended effective July 11, 2019.

Orano is of the understanding that the following conditions must be met:

- Orano to demonstrate to the Ministry of Energy and Resources' satisfaction that the closed Cluff Lake site meets the prescribed conditions for IC<sup>1</sup>, receipt of deposits into the IC Monitoring and Maintenance Fund and the IC Unforeseen Events Fund<sup>2</sup>, provision of a financial assurance<sup>3</sup>, IC registry<sup>4</sup>, and payment of the IC registration fee (under separate cover); and
- approvals granted by the Saskatchewan Ministry of Environment (Environmental Protection Division and the Lands Branch of the Resource Management and Compliance Division), the Saskatchewan Ministry of Government Relations, and the CNSC as detailed below.

Saskatchewan Ministry of Environment - Environmental Protection Division Uranium & Northern Operations: Orano requests that the Saskatchewan Ministry of Environment issue a release from decommissioning and reclamation pursuant to Section 22 of the *Mineral Industry Environmental Protection Regulations* thereby closing the Cluff Lake Approval to Operate Pollutant Control Facilities - PO18-025 (valid February 28, 2018 to February 28, 2023; issued pursuant to the *Environmental Management and Protection Act*) and accompanying closure of the Cluff Lake Decommissioning Financial Assurance.

Orano is of the understanding that the following conditions must be met:

- Orano to demonstrate to the Ministry of Environment satisfaction that remaining liabilities are sufficiently detailed and that the planned long-term monitoring and maintenance plan is satisfactory; and
- approvals granted by the Saskatchewan Ministry of Energy of Resources, the Saskatchewan Ministry of Government Relations, and the CNSC.

Saskatchewan Ministry of Environment – Lands Branch of the Resource Management and Compliance Division and the Saskatchewan Ministry of Government Relations: Orano requests that, pursuant to Article 23.3 of the Cluff Lake Surface Lease Agreement, the Saskatchewan Ministries of Environment and Government Relations approve the termination of the Cluff Lake Surface Lease Agreement (Property No. 200085) dated April 10, 2002 and amended effective July 11, 2019. The Surface Lease Agreement can be terminated provided successful completion of decommissioning as recognized through a release from decommissioning and reclamation issued from the Ministry of Environment Environmental Protection Division.

<sup>1</sup> *Reclaimed Industrial Sites Regulations* S.3

<sup>2</sup> *Reclaimed Industrial Sites Act* S.11 & 12, *Reclaimed Industrial Sites Regulations* S.4

<sup>3</sup> *Reclaimed Industrial Sites Regulations* S.5

<sup>4</sup> *Reclaimed Industrial Sites Act* S.6, *Reclaimed Industrial Sites Regulations* S.6



To: Mr Hughes, Mr Moulding, Mr Hayes, Mr Boyes, Mr Fundarek  
Re: Request to Transfer the Decommissioned Cluff Lake Mine and Mill Site into the Provincial Institutional Control Program  
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Canadian Nuclear Safety Commission: Orano requests that the CNSC approve the transfer and exemption of the sole licensable activity to possess, manage, store radioactive waste (i.e. the activities will no longer be licensed thereby effectively closing CNSC Licence UMDL-MINEMILL-CLUFF.00/2024).

- I) transfer of the Cluff Lake Licence (Uranium Mine Licence UMDL-MINEMILL-CLUFF.00/224 (August 1, 2019 – July 31, 2024)) to accompany the transfer of property to the Ministry of Energy and Resources according to Section 24(4) of the *Nuclear Safety and Control Act*, and
- II) exempt the Province of Saskatchewan for the activity of possess, manage, store radioactive waste according to Section 7 of the *Nuclear Safety and Control Act* and Section 11 of the *Nuclear Safety and Control Act General Regulations*.

The requested transfer and exemption are possible given that the Province of Saskatchewan is qualified to possess, manage, store radioactive waste and, in doing so, will make adequate provision for the protection of the environment, health and safety of persons, and maintenance of national and international obligations. Further, the provincial IC Program (i.e. registry and monitoring) were designed to be comparable to an active licence issued by the CNSC thereby meeting provincial, national, and international obligations for the oversight of decommissioned radioactive waste. Therefore, the exemption will not I) pose unreasonable risk to the environment or health and safety of persons, II) pose unreasonable risk to national security, or III) result in a failure to achieve conformity with measures of control and international obligations to which Canada was agreed.

Orano is of the understanding that the following conditions must be met:

- Orano to demonstrate to the CNSC satisfaction that the long-term monitoring plan to be funded under IC is commensurate with risk and sufficient to identify issues of concern that would warrant re-engagement of the CNSC under Sections 43 and 45 of the *Nuclear Safety and Control Act*, and
- approvals granted by the Saskatchewan Ministry of Energy of Resources, the Saskatchewan Ministry of Environment, and the Saskatchewan Ministry of Government Relations.

End State Report: For clarity, the Cluff Lake Detailed Post-Decommissioning Plan (Version 04; March 2019) will be revised for submission as the Cluff Lake End State Report (Version 05) in support of this application. The End State Report will include a roadmap to meeting the prescribed conditions for IC under Section 3 of the *Reclaimed Industrial Sites Regulations* including the long-term monitoring and maintenance plan, administrative controls under IC, and a path forward for unforeseen events.



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If you have any questions or concerns please do not hesitate to contact Diane Martens at 306-343-4042 or [diane.martens@orano.group](mailto:diane.martens@orano.group).

Regards,

A handwritten signature in blue ink, appearing to read 'Vincent Laniece', is written over a light blue circular stamp.

Vincent Laniece  
Vice President Safety, Environment and Engineering

cc:  
Mr Dustin Zmetana, Senior Analyst - Mineral Policy, SK Ministry of Energy and Resources  
Mr Alan Merkowsky, Senior Environmental Protection Officer, SK Ministry of Environment  
Ms Cathy Yuzek, Land Manager – Lands Unit, SK Ministry of Environment  
Mr Ron Stenson, Senior Project Officer, Canadian Nuclear Safety Commission  
UMMD Distribution, Canadian Nuclear Safety Commission  
Orano Cluff Regulatory Distribution

/DM/TS