



Canadian Nuclear
Safety Commission

Commission canadienne
de sûreté nucléaire

Record of Proceedings, Including Reasons for Decision

In the Matter of

Applicant AREVA Resources Canada Inc

Subject Application to Renew the Cluff Lake Uranium
Mine Decommissioning Licence

Hearing
Dates June 10, 2009

RECORD OF PROCEEDINGS

Applicant: AREVA Resources Canada Inc.

Address/Location: P.O.Box 9204, 817-825 Street West, Saskatoon, Saskatchewan, S7K 3X5

Purpose: Application to renew the Uranium Mine Decommissioning Licence for the Cluff Lake Project

Application received: March 4, 2009

Date of hearing: June 10, 2009

Location: Canadian Nuclear Safety Commission (CNSC) Public Hearing Room, 280 Slater St., 14th. Floor, Ottawa, Ontario

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

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

Applicant Represented By	Document Number
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Intervenors	Document Number
Valerie Drummond	CMD 09-H7.2
Northern Saskatchewan Environmental Quality Committee	CMD 09-H7.3
Others	Document Number
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Licence: Renewed

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Introduction

1. AREVA Resources Canada Inc. (AREVA) has applied to the Canadian Nuclear Safety Commission¹ (CNSC) to renew the Uranium Mine Decommissioning Licence for the Cluff Lake Project. The licence authorizes AREVA to decommission two underground mines, four open-pit mines, a mill, waste management systems, and associated facilities in the Cluff Lake area of northern Saskatchewan. The licence also authorizes AREVA to possess, manage and store nuclear substances, and possess and use prescribed equipment and prescribed information that are required for, associated with or arise from the activities described above.
2. In its application, AREVA also applied to remove the Germaine Camp facility from the designated licence area, to reduce the size of the surface plan and to renew the current licence's documentation that reflects the current site status and the schedules for the follow-up program.
3. The Cluff Lake Facility is a former uranium mine and mill facility located in the Athabasca Basin of northern Saskatchewan, approximately 75 km south of Lake Athabasca and 15 km east of the provincial border with Alberta.

Issues

4. In considering the application, the Commission was required to decide, pursuant to subsection 24(4) of the Nuclear Safety and Control Act² (NSCA):
 - a) if AREVA is qualified to carry on the activity that the licence would authorize; and
 - b) if, in carrying on that activity, AREVA would 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.

Public Hearing

5. The Commission, in making its decision, considered information presented for a public hearing held on June 10, 2009 in Ottawa, Ontario. The public hearing was conducted in accordance with the *Canadian Nuclear Safety Commission Rules of Procedure*³. During the public hearing, the Commission received written submissions and heard oral presentations from CNSC staff (CMD 09-H7) and AREVA (CMD 09-H7.1 and CMD 09-H7.1A). The Commission also considered submissions from Valerie Drummond (CMD 09-H7.2) and the Northern Saskatchewan Environmental Quality Committee (CMD 09-H7.3).

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 S.C. 1997, c. 9.

³ S.O.R./2000-211.

Decision

6. Based on its consideration of the matter, as described in more detail in the following sections of this *Record of Proceedings*, the Commission concluded that AREVA is qualified to carry on the activity that the licence will authorize. The Commission also determined that AREVA, 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 24 of the *Nuclear Safety and Control Act*, renews the Uranium Mine Decommissioning Licence issued to AREVA Resources Canada Inc. for its Cluff Lake Project located in the Athabasca Basin of northern Saskatchewan. The licence, UMDL-MINEMILL-CLUFF.00/2019, is valid from August 1, 2009 to July 31, 2019 unless suspended, amended, revoked or replaced.

7. The Commission includes in the licence the conditions recommended by CNSC staff as set out in the draft licence attached to CMD 09-H7.
8. With this decision, the Commission requests that AREVA prepare a status report on the safety performance of its facility. CNSC staff shall also prepare a report on the results of compliance activities carried out during the first half of the licence term and on AREVA's performance during that period. AREVA and CNSC staff shall present their reports at a public proceeding of the Commission, in approximately June 2015, with an opportunity for the public to submit comments.

Issues and Commission Findings

9. In making its decision, the Commission considered a number of issues related to AREVA'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. The Commission's findings, based on consideration of all of the information and submissions available on the record for the hearing, are summarized below.

Radiation Protection

10. Evaluating the adequacy of provisions for protecting the health and safety of persons, the Commission considered the past performance and future plans of AREVA in the area of radiation protection.

11. CNSC staff reported that AREVA's radiation protection program, as well as its implementation, exceeded requirements.

Protection of Workers from Radiation

12. AREVA stated its commitment to maintaining radiation doses to its workers As Low As Reasonably Achievable (ALARA). CNSC staff reported that AREVA made changes to the radiation protection program during the review period to address radiological hazards that changed after the demolition work, and that AREVA also revised the Radiation Protection Code of Practice in 2004 to reflect the current conditions in the Cluff Lake Project.
13. AREVA reported that it has a workplace monitoring program and also a dosimetry program. AREVA added that it conducted enhanced radiological monitoring throughout the decommissioning work in order to augment dose control. CNSC staff considers that radiation doses are adequately controlled, and reported that there were no incidents related to the exposure of workers to radiation during the current licensing period.
14. AREVA reported that, during decommissioning activities, no worker doses exceeded code of practice action levels, site worker maximum dose target or applicable dose limits. AREVA further indicated that worker radiation doses have dropped to near background levels since the beginning of decommissioning in 2004. CNSC staff confirmed that no workers received an effective dose in excess of regulatory limits, and that radiation doses were well below predicted doses.

Protection of the Public from Radiation

15. AREVA reported that it conducted site-wide comprehensive gamma surveys to ensure that residual radiation levels associated with the operations were within the objectives reviewed and approved by the CNSC. AREVA added that the survey identified areas that required remediation, which was done in strategic areas to meet ALARA objectives. CNSC staff confirmed that AREVA had carried out these gamma radiation dose surveys.
16. AREVA explained that all end-state radiological conditions were met, except in the D-Pit mining area, where a large amount of vegetation would need to be destroyed during further remediation. This area is not considered to significantly increase the overall annual dose to casual users. AREVA added that a final radiological survey was done on the D-pile as part of the gamma radiation clearance survey. CNSC staff indicated that a third-party consultant has made a review of the clean-up activities and confirmed that AREVA had met the criteria and guidelines for clearance.

Conclusion

17. Based on the above information and considerations, the Commission concludes that AREVA has made adequate provision for the protection of workers and the public from radiation at the Cluff Lake Project.

Conventional Health and Safety

18. To determine whether AREVA will make adequate provisions to protect the environment while carrying out the proposed activities at the Cluff Lake Operation, the Commission considered the potential for the continued facility operations to adversely affect the environment.
19. AREVA declared being committed to maintaining its comprehensive occupational health and safety program aimed at accident prevention and risk management. CNSC staff reported that it reviewed the Occupational Health and Safety Program in place and found the program and its implementation to be satisfactory. CNSC staff added that the Cluff Lake site has maintained an Occupational Health Committee, whose work is reviewed by Saskatchewan Labour.
20. AREVA declared being committed to providing a healthy and safe work environment for all of its workers and to ensuring that all work is performed in a safe and responsible manner. AREVA added that the Cluff Lake project has demonstrated continuous improvement in the area of occupational health and safety, with no lost time accidents for AREVA employees and four lost time accidents for contractors during the licence period. All injuries were investigated to determine lessons learned. CNSC staff concurred with AREVA on the amount and level of lost time accidents.
21. CNSC staff reported that, in July 2005, a truck lost control and overturned. No injuries resulted from the incident. CNSC staff also noted that, after having investigated the incident, AREVA had implemented recommendations from the investigation. The incident was not formally reported to the CNSC. CNSC staff also reported another incident which occurred in July 2005, where two trucks collided. The drivers received minor injuries that were treated on site. Following the incident, AREVA did an investigation and implemented recommendations to prevent reoccurrence.
22. Based on this information, the Commission is satisfied that AREVA has made adequate provision for the protection of persons from conventional hazards at the Cluff Lake Operation. The Commission commended AREVA for its good performance regarding the low rate of incidents during the licence period.

Environmental Protection

23. The Commission considered the potential for the continued facility operations at the Cluff Lake Project to adversely affect the environment.
24. In this regard, AREVA informed the Commission that it would continue to improve approaches and technology to minimize the effects of its activities on the environment. AREVA added that it implemented a routine environmental monitoring program and a follow-up program to monitor data, to evaluate the success of the decommissioning work, to determine if further measures were required and whether transfer to the Province would be considered. AREVA noted that it was required to develop a follow-up program as a result of technical uncertainties arising from the review of the Comprehensive Study Report.
25. CNSC staff confirmed that a follow-up program was established as required by the Comprehensive Study Report, and that a revised program was submitted with the current application. CNSC staff indicated that the program includes activities to characterize contaminations in Island Lake fen sediments, as well as to characterize the vegetation and to monitor the hydrological regime within the fen.
26. An intervenor expressed deep concerns regarding the techniques used for decommissioning and the long term effects of radioactive substances in the environment. In response to the Commission's request to comment on the above intervenor's concerns, AREVA expressed its willingness to discuss with the intervenor. CNSC staff indicated that it has also offered to meet with the intervenor and to provide answers to her questions.
27. The Commission asked AREVA to comment on the intervenor's concerns regarding the useful life of a liner in the Tailings Management Area (TMA). AREVA indicated that there were no liners at the TMA, but that natural materials were chosen with the expectation that this type of coverage would last forever, contrary to a liner. AREVA added that it was expecting a satisfactory performance with this till cover. CNSC staff indicated that the only location where artificial liners were present was at the Secondary Treatment System (STS) ponds, and that they would be decommissioned in situ.

Environmental Monitoring

28. AREVA reported that future plans for the site included moving to a maintenance and monitoring program to be conducted on a campaign basis.
29. AREVA reported that samples taken from the final effluent discharge were not exceeding action levels or administrative levels. CNSC staff also noted that there were no effluent releases in excess of regulatory limits during the review period. CNSC staff added that there has been no effluent discharge since October 2005.

30. AREVA reported that, since ceasing operation of the Secondary Treatment System, continuous improvement in water quality was noticed near the effluent discharge point. AREVA added that, since 1987, routine monitoring at various depths through the water column at the D pit was done, showing that Decommissioning Surface Water Quality Objectives were met. AREVA further noted that it intended to monitor groundwater levels from all landfill wells as part of the environmental monitoring program.
31. CNSC staff reported that the management of effluent quality was acceptable and that it required that details be provided on a regular basis through the submission of monthly and annual compliance reports.

Uranium Toxicity Testing

32. AREVA indicated that monitoring of surface water uranium concentrations will continue until 2013, and that further work was required to assess the impacts of elevated uranium concentrations on a location-specific basis. AREVA also stated that the behaviour of uranium in the Island Lake fen system will continue to be a focus of the follow-up program.
33. CNSC staff reported that, as required in the follow-up program, AREVA and the CNSC had conducted uranium toxicity studies, and that AREVA would do outstanding uranium toxicity work during the next licence term. CNSC staff will inform the Commission if these studies result in a change to the Saskatchewan Water Quality Objective.

Island Lake Contamination

34. AREVA reported that it found no correlation between selenium concentration in Island Lake and the frequency of developmental deformities. AREVA added that monitoring of the Island Lake white sucker population will be done by monitoring the concentration of selenium in the eggs in 2009 and 2014.
35. AREVA noted that it had performed a detailed study on contaminants accumulated from treated effluent discharge over the operating period to better assess their stability. These contaminants are tied up in the fen sediments. CNSC staff confirmed the existence of this study.
36. CNSC staff noted that a hydrogeological study will be done to see whether hydraulic heads in the fen are well buffered against times of low precipitation. CNSC staff added that if the long-term hydrogeological study indicates that the water level within the fen decreases, modeling of long-term dispersion of contaminants to the downstream environment will be done. AREVA proposed a full report to CNSC staff on this issue in 2015. CNSC staff confirmed that it would inform the Commission of any significant developments regarding the Island Lake fen.

37. The Commission asked for the cause of concerns associated with the lowering of the water level in the Island lake fen. CNSC staff responded that lower water levels would dry the sediments and could create favourable conditions for the release of contaminants. CNSC staff noted that contaminant levels in areas surrounding the fen (Douglas River and Duck Lake) were currently near background. CNSC staff added that, if necessary, a small structure could be installed to maintain a higher water level.

Claude Waste Rock Pile Monitoring

38. AREVA reported that the Comprehensive Study Report identified the Claude Waste Rock Pile Cover (CWRP) as a source of heavy metals and acidity. AREVA noted that it had resloped the pile, compacted the upper layer, placed a soil cover and seeded. CNSC staff reported that AREVA had implemented a monitoring system for the final cover. AREVA plans to collect data until 2013 and to recalibrate the flow and contaminant transfer models in 2009 and 2014. CNSC staff stated that it had agreed with AREVA's proposal.
39. AREVA indicated that the Comprehensive Study Report had also identified the potential for contaminant transport in seepage coming from the CWRP and migrating towards Claude Creek. AREVA added that water quality monitoring had detected an increase in nickel in Claude Creek coming from the CWRP. AREVA stated that permeable reactive barriers (peat trenches) had been installed to capture contaminants, but that some issues had arisen, making the barrier less effective. AREVA indicated that the success of the technique will be evaluated each year, and that alternative approaches would be considered. CNSC staff added that it considers that the barriers show limited success in stopping contaminants, and noted that it will assess whether the decommissioning plans for the Claude waste-rock pile were acceptable in the long-term. CNSC staff plans on informing the Commission of any significant developments regarding the CWRP.
40. In her intervention, an intervenor also expressed concerns regarding the groundwater contamination from the CWRP.
41. The Commission asked for comments regarding the peat trenches. CNSC staff responded that it was unconvinced of the performance of the peat trenches because of the high nickel levels. AREVA added that the overall amount of nickel entering Claude Creek was encouraging. AREVA explained that it might have overestimated the amount of nickel entering the peat trench system, but that this system performed better than was expected.
42. The Commission further asked AREVA for potential solutions to address the nickel contamination issues. AREVA also indicated that it was not clear whether this peat trench was needed since the decommissioning surface water quality objectives may be achieved through the natural properties of the system and the cover. AREVA answered that, if another approach was needed, it could consider making improvements to the current system or constructing a wetland. AREVA added that another option would be

to pump and treat the water, but AREVA considers that this would raise major issues. AREVA believes that more modeling is needed to better understand the system. The Commission expressed its satisfaction in AREVA's commitment to work to better understand the processes in place.

DJ Mining Area Water Quality

43. AREVA reported that the DJ underground mine was partially flooded in 2002, and that the floodwater deep within the mine and near the surface was routinely monitored. AREVA added that monitoring of depth and water quality was routinely carried out on the flooded DJN/DJX pit. AREVA indicated that, in 2007 and 2008, all constituents at the surface of this pit were within the established decommissioning surface water quality objectives for flooded pits, and that only some constituents exceeded objectives at deeper locations. AREVA noted that monitoring will continue and that it expected surface quality to continue to improve with time. CNSC staff concurred with AREVA, but noted that the uranium concentration at the surface of the DJ pit did not currently meet the 2006 interim Saskatchewan Water Quality Objective.

Environmental Incidents

44. AREVA reported that two environmental incidents had occurred during the licence period. The first incident involved the release of minewater during pit dewatering in September 2004, which did not result in significant environmental impact. CNSC staff concurred with AREVA, and indicated that AREVA had done a critical alarm review of the mine water pumping system, and that actions had been adequate to prevent reoccurrences.
45. AREVA further reported that a second incident, which occurred in 2006, involved the discharge of elevated suspended solids resulting from the TMA runoff, classified as a spill under Saskatchewan's *Environmental Spill Control Regulations*⁴. CNSC staff reported that, during decommissioning, limited effluent discharge had also occurred as a result of the treatment of pit water removed from Claude and DJ Pit dewatering efforts.
46. AREVA reported that, during a routine inspection of Island Lake, Cluff Lake environmental staff identified dead fish (juvenile white suckers) accumulated at the inlet of Island Lake. There was ice remaining on the lake. AREVA noted that water samples were analysed, and that nothing was inconsistent with previous results. AREVA noted that fish was too decomposed to provide meaningful data. AREVA also reported that fish mortality has been previously observed in Island Lake in the spring and was attributed to oxygen depletion over winter due to the ice cover. CNSC staff indicated that, during operations, chances of fish surviving through the winter were enhanced with the supply of oxygen from effluent waters. The Commission asked AREVA if the fish was edible. AREVA answered that there were no risks to human health linked to the eating of fish from this area.

⁴ Chapter D-14 Reg 1, as amended by Saskatchewan Regulations 53/83 and 95/2005.

Conclusion on Environmental Protection

47. Based on the information presented above, the Commission is satisfied that AREVA has made, and will continue to make, adequate provision to protect the environment during decommissioning activities at the Cluff Lake Project.

Decommissioning Activities

48. The Commission examined Cluff Lake's operational performance in order to establish the adequacy and effectiveness of AREVA's approach to ensure safe operation of the facility.
49. AREVA reported that site specific objectives were established to evaluate the success of the decommissioning program. AREVA further noted that the majority of physical decommissioning work was completed by September 2006, with some minor care and maintenance activities remaining. Some equipment and structures still remain on the site and will be decommissioned when they are no longer needed. CNSC staff reported that loose radioactive materials have been removed and facilities decontaminated as much as possible. CNSC staff added that nuclear substances and radiation devices have been disposed of in CNSC licensed facilities, and that radioactive contaminated materials have been disposed of in designated areas or covered in place.
50. CNSC staff reported having carried out 20 field compliance inspections during the licensing period. CNSC staff reported that it issued action items after inspections of the facility to address minor deficiencies, and that AREVA's responses to the action items were satisfactory.
51. CNSC staff reported that AREVA had proceeded with construction activities without its approval. CNSC staff added that these activities were not outlined in the previously approved TMA work plan schedule, but that they had been previously discussed with CNSC staff. The incident was previously reported as a Significant Development Report and discussed during Commission meetings in June 2006 and January 2007. A root cause investigation at the time of the incident identified a need to improve communications. CNSC staff considers that the implemented changes were effective.
52. AREVA reported that the Secondary Treatment System (STS) is on standby as a contingency radium treatment plant, along with settling ponds. CNSC staff noted that the STS had been operated until October 2005 and that it will be decommissioned in situ when no longer required, i.e. when the final vegetation is established and the surface run-off meets all release criteria. The Commission inquired on the time needed to bring the STS on line if it was necessary. AREVA responded that the STS could be operational within two to three weeks. CNSC staff stated that this timeframe was acceptable.

Germaine Camp Removal from the Licence

53. CNSC staff reported that AREVA had requested in its licence renewal application to reduce the surface plan to coincide with the current provincial lease and to remove Germaine Camp from the surface plan. AREVA indicated that it had requested this amendment to the Cluff Lake licence because activities in the Germaine Camp had never and will never involve nuclear substances. In May 2009, AREVA had conducted a gamma clearance survey at the Germaine Camp in anticipation of the release of the camp from the CNSC licence. AREVA further noted that preliminary results had shown that the camp area meets specified radiological clearance criteria. CNSC staff confirmed that AREVA thoroughly surveyed the area, and that CNSC staff had made a verification monitoring during the spring 2009 inspection confirming AREVA's findings. CNSC staff is satisfied that the Germaine Camp is clean and ready for release from CNSC licensing. CNSC staff considers AREVA's requests as acceptable.

Release of the Facility to Saskatchewan Environment

54. CNSC staff reported that a possible request for staged release of the site to provincial control during or after the next ten years would require the Commission's approval and a licence amendment.
55. An intervenor expressed concerns that, should the site be released to the provincial government, the province would assume the liability and costs in the long-term. The Commission asked AREVA for comments on this topic. AREVA explained that, if the province accepts the long-term care and maintenance of the facility, AREVA would have to provide perpetual care funding. AREVA added that the facility could not be transferred to the province until a number of parties are satisfied, including the Saskatchewan Government and the Commission. CNSC staff commented that an eventual transfer to the province would be coordinated with AREVA and the province according to the regulations in place, and that it would include an evaluation of the environmental monitoring results.

Transport and Packaging

56. CNSC staff informed the Commission on its inspection of the Cluff Lake Operation compliance with the *Packaging and Transport of Nuclear Substances Regulations*⁵ for Class 7 materials. CNSC staff stated that AREVA was compliant with these Regulations.
57. CNSC staff further informed the Commission that packaging and transport requirements have been consistently assessed during regular facility inspections and that all necessary processes and systems were in place.

⁵ S.O.R./2000-208.

Conclusion on Decommissioning Activities

58. Based on the above information, the Commission concludes that the activities described in the proposed licence will be effectively controlled with the safety programs in place and that they do not pose an unreasonable risk to the health and safety of persons, the environment and national security. The Commission agrees with AREVA's proposed reduction of the surface plan and with the release of the Germaine Camp area from CNSC licensing.

Performance Assurance

Quality Assurance

59. AREVA reported that it had put in place an integrated quality management system for the entire organization. AREVA further noted that the Integrated Quality Management System (IQMS) manual for the Cluff Lake Project follows the ISO 14001 external standards, the draft Regulatory Standard R-213 and additional internal requirements. CNSC staff reported that AREVA submitted detailed plans and implemented a Quality Assurance (QA) Program, as required by licence condition 1.5 of the current licence. CNSC staff noted that the QA Program proposed by AREVA was complete and adequate for the decommissioning activities. CNSC staff added that the QA program and its implementation is meeting requirements.
60. CNSC staff reported that communication issues identified in the mid-term report were resolved with good success.

Environmental Management System

61. AREVA reported that it had implemented an Environmental Management System (EMS) at Cluff Lake, designed to meet requirements from the CNSC, the Government of Saskatchewan, ISO 14001, and internal requirements. CNSC staff declared that AREVA had improved the documentation of its policy and program for environmental protection through the integration of relevant information into the IQMS and adoption of the ISO 14001:2004 standard. CNSC staff added that the Environmental Management System elements within the IQMS are meeting requirements.

Conclusion on Performance Assurance

62. Based on the above information, the Commission is satisfied that the performance assurance measures in place are adequate for the protection of the health and safety of persons or the environment during the decommissioning of the facility.

Emergency Preparedness and Fire Protection

63. AREVA reported that emergency response was managed as described in the Emergency Response Manual. AREVA added that the environmental health and safety coordinator ensures that the emergency response manual is reviewed annually and is revised as necessary. CNSC staff confirmed that the emergency response manual was updated three times during the review period to reflect changes in site status and staffing.
64. CNSC staff informed the Commission that the Emergency Response Program and its implementation meet requirements.
65. AREVA indicated that the environmental health and safety coordinator is also responsible to ensure that adequate training programs are in place. CNSC staff agreed that ongoing, effective training of emergency response personnel was performed during the review period. The Commission asked for the nature of emergency training. AREVA answered that site employees have all had first aid training. AREVA added that some first responders were present on site at all times, and that there was also training done for minor fire emergencies and for the use of a fire extinguisher.
66. AREVA further noted that emergency exercises and fire drills are conducted at least once per year.
67. Based on the above information, the Commission concludes that emergency preparedness and fire protection measures at the Cluff Lake Project are adequate for the proposed licence renewal.

Nuclear Security

68. There was no information provided regarding security measures at this hearing, given the decommissioned nature of this site.

Safeguards

69. AREVA expressed its intention to continue meeting all safeguards requirements. In this regard, AREVA reported that it provided an annual update to the CNSC under the IAEA/Canada protocol. AREVA noted, and CNSC staff confirmed, that no issues were raised following the last IAEA's requests and visits made in 2004. CNSC staff indicated that AREVA has in place satisfactory procedures to facilitate prompt access of IAEA inspectors upon request.
70. AREVA also confirmed that there was no remaining inventory of uranium concentrate at the Cluff Lake site.

71. Based on the information received, the Commission is satisfied that AREVA has made adequate provisions in the areas of safeguards and measures necessary for implementing international agreements to which Canada has agreed.

Decommissioning Plan and Financial Guarantee

72. AREVA reported that a financial guarantee in the form of an irrevocable letter of credit was issued to the Government of Saskatchewan in the amount of \$33.6M. AREVA stated that the amount of financial guarantee had been approved by both the CNSC and Saskatchewan Environment in 2004. CNSC staff indicated that the letter of credit is in good standing and has an annual self-renewing date of December 31. CNSC staff stated that it reviewed the financial guarantee and considers that it remains fully acceptable.
73. AREVA requested that the current version of the Decommissioning Plan be replaced with a new version which includes the current status of the decommissioning activities, progress made on work packages, updated figures, organizational changes, changes to the Provincial Surface Lease and status updates of the Follow-up Program.
74. The Commission asked for how much of the originally planned work is completed, as well as how much money was spent to date. AREVA responded that approximately 98% of the work was completed, but that it had spent significantly more money than the amount of the financial guarantee of \$33.6M. AREVA explained that the financial guarantee covers only the cost of the actual monitoring program plus the remaining decommissioning activities. The Province of Saskatchewan indicated that it thought that, at this time, the financial guarantee amount was adequate to meet those needs.
75. The Commission is of the opinion that the revised PDP and financial guarantee, as proposed, are acceptable. The Commission notes that any changes to AREVA's cost estimate shall be brought forward to the Commission for consideration.

Public Information

76. CNSC staff reported that AREVA's Public Information Program (PIP) was provided with the Detailed Decommissioning Plan. CNSC staff added that AREVA's PIP meets requirements in Regulatory Guide G-217, *Licensee Public Information Programs*, and the *Uranium Mines and Mills Regulations*⁶.
77. AREVA reported having developed a wide array of public consultation and information activities to achieve ongoing contact between the company and the public. AREVA further noted that these activities inform on company activities and projects and provide a means to discuss specific issues if they arise. AREVA added that the public consultation activities include the maintenance of its Website, regular contacts

⁶ S.O.R./2000/206.

with stakeholders, publications (magazines, newsletters), and tours of the facility. CNSC staff concurred with AREVA and noted that it reviewed AREVA's web site, and found that AREVA provided varied and general information about the project, their environmental standards and ongoing socio-economic commitment to northern communities. CNSC staff recommended that AREVA staff post more articles from magazines and publications on their Web site.

78. AREVA declared having developed long-standing relationships with many residents of the designated impact communities on the west side of northern Saskatchewan. In particular, AREVA noted having attended regular meetings of the Environmental Quality Committee (EQC), having consulted the Athabasca Chipewyan First Nation, and having tried to establish further contacts with the Métis Nation regarding the application for licence renewal. AREVA also indicated that members of the EQC, the Northern Mines Monitoring Secretariat, as well as the Athabasca Chipewyan First Nation, had made regular visits to the Cluff Lake site. CNSC staff concurred with AREVA.
79. The Commission asked AREVA how it had contacted the Métis Nation. AREVA answered that it had engaged with the Métis Nation in April 2009, has held two meetings with them where it presented the status of the decommissioning activities and the licensing requests for this hearing. AREVA stated that the Métis Nation seemed to be satisfied with the process to date. The Commission notes that the Métis Nation decided not to intervene at this Commission hearing.
80. Based on the above information, the Commission is satisfied that AREVA's public information program is acceptable and will continue to be acceptable during the proposed licence period. The Commission is also satisfied that its process has been adequate to address the concerns expressed relating to the impact communities receiving the information required and being able to speak to the matters in issue regarding the scope of this specific hearing. The Commission is satisfied that the intervenors have been informed of the Commission process and of the licensing action at issue, and have had a full opportunity to express their concerns and identify issues. The Commission has heard the intervenors, and has considered all of the submissions in making its decision. In this context, the Commission is satisfied that, to the extent that a duty to consult was engaged, it was fulfilled in this case respecting the licensing action by the Commission process and by the opportunities that were afforded for consultation within that process.

Cost Recovery

81. CNSC staff reported to the Commission that AREVA was in good standing with the Canadian Nuclear Safety Commission's *Cost Recovery Fees Regulations*⁷, with respect to the payment of licensing fees for its Cluff Lake Project.

⁷ S.O.R./2003-212.

Application of the *Canadian Environmental Assessment Act*

82. Before making a decision, the Commission must be satisfied that all applicable requirements of the *Canadian Environmental Assessment Act*⁸ (CEAA) have been fulfilled.
83. CNSC staff informed the Commission that the renewal of a licence, under subsection 24(2) of the NSCA, is not listed as a “trigger” under the *Law List Regulations*⁹, and therefore an environmental assessment pursuant to the CEAA is not required.
84. Based upon the above assessment, the Commission is satisfied that an environmental assessment is not required before the Commission may consider and make a decision on this licence renewal application for the Cluff Lake Project under the NSCA.

Licence Length and Interim Reporting

85. AREVA requested that the licence be renewed for a period of ten years, on the basis that the majority of the complex decommissioning activities had been completed, the specific nature of the activities and its good performance history.
86. CNSC staff stated that AREVA’s application meets the requirements for a ten-year licence period. CNSC staff explained that AREVA’s application was consistent with criteria set out in CMD 02-M12¹⁰. CNSC staff stated that AREVA’s overall performance during the current licence meets requirements and AREVA is making adequate provisions to protect persons, the environment, national security and international obligations.
87. CNSC staff recommended an interim report in 2015, to coincide with the province of Saskatchewan Status of the Environment Report. Taking into account the opinion expressed by other stakeholders, CNSC staff recommended that the report be presented during a public hearing of the Commission, in order to allow interventions from the public.
88. Based on the above information, the Commission is satisfied that a ten-year licence with interim reporting in 2015 in the form of a public hearing allowing interventions is appropriate.

Conclusion

89. The Commission has considered the information and submissions received from AREVA, CNSC staff and intervenors as presented in the material on the record.

⁸ S.C. 1992, c. 37.

⁹ S.O.R./94-636.

¹⁰ Commission Member Document CMD 02-M12, *New Staff Approach Used to Recommending Licence Period*.

90. The Commission concludes that an environmental assessment under the CEAA is not required before the Commission may make its decision with respect to the application for the renewal of the licence.
91. The Commission is of the opinion that AREVA is qualified to carry on the activities that will be permitted under the licence. The Commission is also of the opinion that in carrying on those activities, AREVA 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.
92. The Commission therefore renews, pursuant to section 24 of the *NSCA*, AREVA's Uranium Mine Decommissioning Licence, UMDL-MINEMILL-CLUFF.00/2019 for a period of ten years.
93. The Commission requests that AREVA prepare a status report on the safety performance of its facility. CNSC staff shall also prepare a report on the results of compliance activities carried out during the first half of the licence term and on the licensee's performance during that period. AREVA and CNSC staff shall present their reports at a public proceeding of the Commission, in approximately June 2015, with an opportunity for the public to submit comments.



Michael Binder
President
Canadian Nuclear Safety Commission

JUL 21 2009

Date