

PROTOCOL FOR THE GUNNAR REMEDIAL PROJECT ENVIRONMENTAL ASSESSMENT AND LICENSING ACTIVITIES

PREAMBLE

WHEREAS the previous Saskatchewan Energy and Resources, now the Saskatchewan Ministry of the Economy (ECON), is responsible, on behalf of the Province of Saskatchewan, for the remediation of the legacy Gunnar uranium mine site (Gunnar);

AND WHEREAS the provincial and federal environmental assessment processes are coordinated in accordance to the 2005 *Canada-Saskatchewan Agreement on Environmental Assessment Cooperation* (Cooperative Agreement), signed by the Federal Minister of the Environment and the Saskatchewan Minister of the Department of the Environment effective 17th day of May, 2005.

AND WHEREAS the Minister of Natural Resources Canada, on behalf of Canada has entered into a Memorandum of Agreement (MOA) with the Minister of Industry and Resources, on behalf of Saskatchewan to share the cost for the environmental remediation of the Gunnar site and, through Natural Resources Canada (NRCan), Canada is responsible for the partial funding of the Gunnar Remedial Project, which triggers NRCan as a Responsible Authority for the environmental assessment of the Gunnar Remediation Project under the *Canadian Environmental Assessment Act (CEAA)*.

AND WHEREAS the Canadian Nuclear Safety Commission (CNSC) has regulatory and statutory responsibilities under the *Nuclear Safety and Control Act (NSCA)* and its regulations;

AND WHEREAS the Saskatchewan Research Council (SRC) has applied to the CNSC for a licence and will be the licensee on behalf of the Provincial Crown;

AND WHEREAS Saskatchewan Ministry of the Environment (SE-EA) is the Lead Party for the environmental assessment as defined under the Cooperative Agreement;

AND WHEREAS the CNSC is responsible for assessing the licence application and for issuance of a licence to SRC to allow the Gunnar Remedial Project to proceed, and is the lead Responsible Authority for the environmental assessment of the Gunnar Remedial Project under CEAA;

AND WHEREAS the CNSC is a quasi-judicial administrative tribunal;

AND WHEREAS nothing in this Protocol fetters the powers of Designated Officers, Inspectors or the Commission when it comes to making regulatory decisions or taking regulatory action in the public interest, transparently and independent of any undue influence;

AND WHEREAS nothing in this Protocol is to be construed or interpreted as affecting the jurisdiction and discretion of the CNSC in any assessment of any application for licensing purposes under the NSCA;

AND WHEREAS all participants to the Protocol understand that, there will be no compromise in the protection of the health, safety and security of Canadians, as well as the environment. The participants also recognize the independence of the CNSC, as the Canada's federal nuclear regulator, will be maintained.

1.0 PURPOSE OF THIS PROTOCOL

The purpose of this Protocol is to establish the administrative framework, target timelines and service standards for the remaining activities of the provincial and federal regulatory processes in relation to the Gunnar Remedial Project, including the environmental assessment and the submission of the technical information to support an application for a Waste Facility Operating Licence and the regulatory review of this technical information.

The Protocol and the attached Annexes I and II establish the milestones, current target timelines, and the service standards for each milestone remaining in the environmental assessment and licensing of the Gunnar Remedial Project. These have been established on the basis of a number of assumptions, some of which relate to activities of participants to this project that are not signatories to this Protocol. Should events unfold in a manner that is different from what has been assumed, the milestones would have to be revised, following the processes outlined in this Protocol.

2.0 CONTEXT

In September, 2006, an MOA was executed between the Federal Crown, as represented by NRCan, and the Provincial Crown, as represented by Saskatchewan ECON for the Gunnar Remediation Project. The MOA defines roles and responsibilities of the entities and their obligations in relation to costs for the Gunnar Remediation Project.

This Protocol focuses on the environmental assessment and licence document submission for the Gunnar Remediation Project and sets milestones, schedules and service standards to provide procedural certainty.

An application for a Waste Facility Operating Licence for the Gunnar Remediation Project was submitted in December, 2010. The scope of the application included the remediation of the Gunnar site, (specifically the mine and mill areas, the tailings management areas, and the waste rock piles), and the subsequent management of the remediated site with long-term monitoring and maintenance.

3.0 PARTICIPANTS & CHAMPIONS

The Participants to the Protocol have the following roles and responsibilities with respect to the licensing of the Gunnar Remediation Project:

- Canadian Nuclear Safety Commission (CNSC) has regulatory and statutory responsibilities under both the CEAA and the NSCA and its regulations and is responsible for assessing the licence application and for issuance of a licence to SRC to allow the project to proceed, and is the lead Responsible Authority for the environmental assessment of the Gunnar Remediation Project under CEAA.
- Saskatchewan Environment, Environmental Assessment Branch (SE-EA) is responsible for administering a provincial environmental assessment under the Saskatchewan *Environmental Assessment Act* and is the Lead Party, under the Cooperative Agreement, for the joint provincial and federal environmental assessment.
- Saskatchewan Ministry of the Economy (ECON) – on behalf of the provincial Government, is responsible for the Gunnar Remediation Project and provides policy direction and funding for the Gunnar Remediation Project.

- Natural Resources Canada (NRCan) – on behalf of the federal Government, provides funding under the terms of the MOA for the Gunnar Remediation Project and is a Responsible Authority for the environmental assessment under the CEEA.
- The Saskatchewan Research Council is a provincial Crown corporation designated by Saskatchewan as the manager and proponent for the Gunnar Remediation Project.

Champions of this Protocol representing each Participant are as follows:

Ron Stenson
Senior Project Officer, Wastes and Decommissioning Division, CNSC

Howard DeLong
Senior Environmental Assessment Administrator, SE-EA

Tom Calvert
Advisor, Uranium and Radioactive Waste Division, NRCan

Gary Delaney (alternate – Cory Hughes)
Chief Geologist, Saskatchewan Ministry of the Economy, Minerals, Lands and Policy

Tamara Yankovich,
Remediation Project Manager, Saskatchewan Research Council

Each Participant will identify alternates in the event that the primary Champion is unavailable.

4.0 EFFECTIVE LIFE OF THE PROTOCOL

This Protocol will come into effect upon the date of the signing of the Protocol by all four Participants to the Protocol. This Protocol will terminate on the date that the Commission Secretariat announces the Notice of Hearing in respect of the application for issuance of a licence to SRC for the Gunnar Remediation Project. In the event that the licence application would be withdrawn, the Protocol shall terminate at this date.

5.0 TIMELINES

The dates and target timelines for each milestone remaining in the environmental assessment and the submission of the technical information to support application for a Waste Nuclear Substance Licence and the regulatory review process are detailed in Annexes I and II attached to this Protocol.

In addition to the exchange of submission and response correspondence described in Annexes I and II, the participants agree to meet, as necessary, to clarify intentions and facilitate common understandings, with the aim of achieving the target timelines.

6.0 REPORTING

The Champions will jointly produce a one-page dashboard-style report on a monthly basis demonstrating progress, status of activities and items of concern/risk to completion. The report shall be submitted to the Executive Management Committee (Section 9.0) within 3 working days of the end of each calendar month that falls within the duration of this Protocol.

7.0 EXTERNAL COMMUNICATIONS

Throughout the duration of this Protocol, all participants agree that external communications will be open and transparent and that information destined for public release will be coordinated through the designated Champions (or alternates, where designated) with support from each Participant's communications division. Further, these communications will be done in coordination with, and in consideration of, each Participant's communications protocols.

8.0 ISSUES RESOLUTION

The participants to this Protocol will use their best efforts to resolve any differences of opinion in the interpretation or application of this Protocol in an effective and timely manner. Issues relating to the completion of the environmental assessment (Annex I) will be resolved through direct discussions and collaboration between the Champions. Those that cannot be resolved will be jointly referred to the Executive Management Committee.

In the event that issues remain outstanding after discussion by the Executive Management Committee, they will be referred to the signatories of this protocol.

Since the CNSC regulates the use of nuclear energy and materials in establishing legally binding regulation and also acting as an independent and quasi-judicial tribunal who makes independent, fair and transparent decisions on the licensing of nuclear activities, any disputes related only to the Federal licensing of the Gunnar Remedial Project (Annex II) will be resolved through the existing CNSC process.

9.0 EXECUTIVE MANAGEMENT COMMITTEE

The participants to the Protocol agree to form an Executive Management Committee comprised of senior management representatives from the three participants to the Protocol. The Executive Management Committee will receive and review the monthly dashboard reports and will also serve to resolve issues. Where an issue cannot be resolved through the Champions, the Executive Management Committee agrees to meet within three working days of notification of the dispute with the intention of expeditiously resolving the impasse.

The members of the Executive Management Committee are set out as follows:

Don Howard
Director, Wastes and Decommissioning Division
Canadian Nuclear Safety Commission

Tareq Al Zabet
Director, Environmental Protection and Audit Division
Saskatchewan Environment

Hal Sanders
Assistant Deputy Minister
Minerals, Lands and Policy Division
Saskatchewan Ministry of the Economy

Dave McCauley
Director
Uranium and Radioactive Waste Division
Natural Resources Canada

Joe Muldoon
Vice-President, Environment
Saskatchewan Research Council


Each Participant will identify alternates in the event that the primary committee member is unavailable.

10.0 FUTURE REVISIONS OF THE PROTOCOL

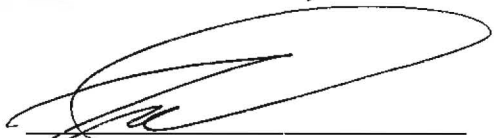
Revisions to Annex I of this Protocol will be coordinated by the Champions and must be approved by the participants' who have signed the Protocol.

11.0 PROTOCOL AGREEMENT

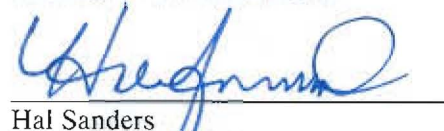
The participants hereto have signed the Protocol, in counterpart, on the dates indicated below.


Peter Elder
Director General, Directorate of Nuclear
Cycle and Facilities Regulation
Canadian Nuclear Safety Commission

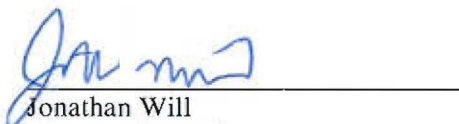
Aug 15/12
Date


Tareq Al Zabet
Director, Environmental Protection and
Audit Division
Saskatchewan Environment


Aug 13/12
Date


Hal Sanders
Assistant Deputy Minister
Minerals, Lands and Policy Division
Saskatchewan Ministry of the Economy

Aug 10/12
Date


Jonathan Will
Director General
Electricity Resources Branch
Natural Resources Canada

21-Aug-2012
Date


Laurier L. Schramm
President
Saskatchewan Research Council

9 Aug. 2012
Date

Annex I

Table 1: Key Milestones, Description/Activity and Service Standards for the Environmental Assessment of the Gunnar Remediation Project

Milestone	Description/Activity	Responsible Agency	Service Standard / Completion Date
	Circulation of finalized EcoMetrix, borrow and pit wall stability reports to SE, CNSC, ECON and NRCan.	SRC	August, 2012
	Circulation of draft groundwater report that is focused on potential contaminant transport pathways between the Gunnar Main Tailings and the waste rock (i.e., pathways upgradient of the Acid Plant and Tank footprints, and Catchment 3) to SE, CNSC, ECON and NRCan for review	SRC	September, 2012
	Comments on groundwater report to CNSC (Federal) and SE (Provincial) for triaging.	SE-EA, CNSC, ECON, NRCan	September, 2012
	Provision of reviewer comments on draft groundwater report to SRC	CNSC, SE-EA	September 2012
	Circulation of finalized groundwater report to SE, CNSC, ECON and NRCan.	SRC	October 2012
	Submit revised draft options analysis with screening criteria, cost-benefit analysis and proposed preferred option	SRC	October 2012

Milestone	Description/Activity	Responsible Agency	Service Standard / Completion Date
	Review revised draft options analysis and response issued to SRC	SE-EA, CNSC, ECON, NRCan	October 2012 (18 working days)
	Workshop to identify preferred remediation option.	SRC, SE-EA, CNSC, ECON, NRCan, SE	October, 2012
Completion of DRAFT EIS	Submission of Revised EIS (including disposition of all comments)	SRC	February 2013
	Review of Submission and Response Issued to SRC	SE-EA, CNSC, ECON, NRCan	February 1 - 22, 2013 (15 working days)
	Respond to request for clarification	SRC	February 22 - March 1, 2013 (5 working days)
	Preparation of Technical Review Comments	SE-EA	March 1 - 15, 2013 (10 working days)
	Communication of acceptance of EIS	SE-EA, CNSC, ECON, NRCan	March 15, 2013
Preparation of Comprehensive Study Report (CSR)	Draft CSR	CNSC	February 1 to March 15, 2013 (30 working days)
	Technical review of Draft CSR	CNSC to coordinate with RA's and expert FA's	March 15 to April 12, 2013 (18 working days)
	Prepare revised CSR	CNSC	April 12 – May 10, 2013 (20 working days)
	Review of Revised CSR	CNSC to coordinate with RA's and expert FA's	May 10 – May 31, 2013 (14 working days)
	Prepare Final CSR	CNSC	May 31 – June 14, 2013 (10 working days)

Milestone	Description/Activity	Responsible Agency	Service Standard / Completion Date
	Approval of Final CSR	CNSC to coordinate with RA's and expert FA's	June 14 – June 28, 2013 (10 working days)
	Translation of Final CSR and CMD preparation & Approval	CNSC	June 28 – August 23, 2013 (38 working days)
	CNSC Abridged Hearing on CSR	CNSC	August 23 – September 6, 2013 (9 working days)
	CSR submitted to Minister of the Environment	CNSC	September 6, 2013 (1 working day)
	Initiate Section 11 notice and process for public review	SE-EA	August 12 – September 6, 2013 (14 working days)
	Public Comment and Aboriginal engagement period on Final CSR, EIS and Provincial Technical Review Comments	CNSC to coordinate with CEA Agency	September 13 – October 11, 2013 (20 working days)
	Post notice of the Minister of the Environment's EA decision Statement on the CEAR within 13 weeks from the close of the comment period on the Final CSR, EIS and TRC	CNSC to coordinate with CEA Agency	October 11 – January 9, 2014
	Post analysis of public and aboriginal comments on the Final CSR on the CEAR	CNSC to coordinate with CEA Agency RA's and expert FA's	January 2014
	Post EA course of action decisions on the CEAR	CNSC	January 2014

Annex II

Table 2: Key Milestones, Description/Activity and Service Standards for the Licensing Documentation for the Gunnar Remediation Project

Milestone	Description/Activity	Responsible Agency	Service Standard / Completion Date
Submit draft Radiologic Protection Plan (RPP)	Submit draft site-wide Radiologic Protection Plan for Gunnar Remediation Project	SRC	July 6, 2012
	Review draft RPP for completeness and accept for review.	CNSC	July 11, 2012 (3 working days)
	Review draft RPP and response issued to SRC	CNSC	August 1, 2012 (15 working days)
	Acknowledgement of receipt of comments	SRC	August 3, 2012
Submit Radiation Protection Plan	Submit Radiation Protection Plan	SRC	September 30, 2012
Submit draft Environmental Code of Practice (ECP)	Submit draft Environmental Code of Practice for Gunnar Remediation Project	SRC	July 6, 2012
	Review draft ECP for completeness and accept for review.	CNSC	July 11, 2012 (3 working days)
	Review draft ECP and response issued to SRC	CNSC	August 1, 2012 (15 working days)
	Acknowledgement of receipt of comments	SRC	August 3, 2012
Submit Environmental Code of Practice	Submit Environmental Code of Practice	SRC	September 30, 2012
Submit draft Integrated Quality Management System Manual (QMAN)	Submit draft Integrated Quality Management System Manual for Gunnar Remediation Project	SRC	July 6, 2012
	Review draft QMAN for completeness and accept for review.	CNSC	July 11, 2012 (3 working days)

Milestone	Description/Activity	Responsible Agency	Service Standard / Completion Date
	Review draft QMAN and response issued to SRC	CNSC	August 1, 2012 (15 working days)
	Acknowledgement of receipt of comments	SRC	August 3, 2012
Submit Integrated Quality Management System Manual	Submit Integrated Quality Management System Manual	SRC	September 30, 2012
Submit draft Detailed Remediation Plan (DRP)	Submit draft Detailed Remediation Plan for Gunnar Remediation Project	SRC	January 4, 2013
	Review draft DRP for completeness and accept for review.	CNSC	January 11, 2013 (5 working days)
	Review draft DRP and response issued to SRC	CNSC	March 1, 2013 (35 working days)
	Acknowledgement of receipt of comments	SRC	March 4, 2013
Submit Detailed Remediation Plan	Submit Detailed Remediation Plan	SRC	May 3, 2013