

Record of Proceedings, Including Reasons for Decision

In the Matter of

Person Named
in or Subject to
Order

Saskatchewan Research Council

Subject

Review by the Commission of the Designated
Officer Order Previously Replaced by the
Commission on July 23, 2010

Date of
Meeting

January 20, 2011

RECORD OF PROCEEDINGS

Licensee/Person named in or subject to order: Saskatchewan Research Council

Address/Location: 125-15 Innovation Blvd, Saskatoon, Saskatchewan, S7N 2X8

Purpose: Review by the Commission of the Designated Officer Order Previously Replaced by the Commission on July 23, 2010

Order Replaced: July 23, 2010

Date of Meeting: January 20, 2011

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

Members present: M. Binder, Chair
A.R. Graham M. J. McDill
D.D. Tolgyesi A. Harvey

Secretary: K. McGee
Recording Secretary: D. Major
Senior General Counsel: J. Lavoie

Licensee/Person Named in or Subject to Order Represented By	Document Number
<ul style="list-style-type: none">• J. Muldoon, Vice President, Environment and Forestry	CMD 11-M10.1
CNSC staff	Document Number
<ul style="list-style-type: none">• P. Elder• D. Howard• C. David	CMD 11-M10
Intervenors	Document Number
See appendix A	

Order: Replaced

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Introduction

1. On July 23, 2010, the Commission replaced the Designated Officer Order that was issued to the Saskatchewan Research Council (SRC) on June 18, 2010 with Commission Order 10-1 (referred hereafter as the Order). The Order required SRC to immediately comply with the actions and measures contained therein with respect to the Gunnar Mine site.
2. During a Commission Meeting held on January 20, 2011, representatives from the SRC and CNSC staff presented a status report on the summary of remediation activities and safety performance at the Gunnar and Lorado mine sites. CNSC staff recommended that the Order issued to the SRC for the Gunnar Mine site be replaced to indicate a revised completion date for one of the actions and to indicate which items had been completed.
3. This *Record of Proceedings* describes the Commission's consideration of SRC's and CNSC staff's updates on the Order, the review of the Order and the reason for the decision.

Issue

4. In its review of the Order, the Commission was required to decide whether to replace the Order, pursuant to subsections 37(6) and 43(3) of the *Nuclear Safety and Control Act*¹ (NSCA).

Public Meeting

5. Pursuant to section 22 of the NSCA, the President of the Commission established a Panel of the Commission to review the request. The Commission, in making its decision to replace the Commission Order, considered information presented during a public meeting of the Commission held on January 20, 2011 in Ottawa, Ontario. The Commission considered information presented in written submissions and oral presentations from CNSC staff (CMD 11-M10) and the SRC (CMD 11-M10.1) on the progress of each action and measure defined in the Order. The Commission also considered oral and written submissions from Indian Head Camp Adventures (CMD 11-M10.2), Jug Bay Sport Fishing (CMD 11-M10.3), and the Saskatchewan Ministry of Environment (CMD 11-M10.4).

Decision

6. Based on its consideration of the matter, as described in more detail in the following sections of this *Record of Proceedings*,

¹ Statutes of Canada (S.C.) 1997, c. 9

the Commission, pursuant to subsections 37(6) and 43(3) of the NSCA, replaces Commission Order 10-1 to the Saskatchewan Research Council with the Commission Order attached to this *Record of Proceedings*.

Issues and Commission Findings

Background

7. The Gunnar Mine site includes the mine, the mill and the tailings area. It was operated by Gunnar Mining Limited from 1955 to 1963. The mill officially closed in 1964 with no decommissioning.
8. CNSC staff travelled to the Gunnar Mine site for an inspection on June 8, 2010. During the inspection, CNSC staff witnessed continued unauthorized human activity at the site and observed that barriers installed to prevent entry into the mill and acid plant buildings had been breached. CNSC staff noted that insufficient progress had been made to remove physical hazards at the Gunnar Mine site and issued a Designated Officer Order on June 18, 2010 to accelerate the removal of these hazards.
9. The Designated Officer Order issued to the SRC was replaced by Commission Order 10-1 on July 23, 2010. The Order required SRC to immediately comply with the following actions and measures:
 1. perform and submit an Occupational Health and Safety assessment by no later than August 31, 2010;
 2. perform and submit a structural safety assessment of all buildings and structures by no later than September 30, 2010;
 3. fence off buildings and structures that fail the structural assessment by no later than October 31, 2010;
 4. secure all openings and post adequate signage by August 31, 2010;
 5. remove all overhead hazards by no later than October 31, 2010;
 6. perform and submit an inventory of hazardous substances and materials by no later than September 30, 2010;
 7. collect all hazardous substances and secure them under lock and key by no later than October 31, 2010;
 8. submit, by no later than October 15, 2010, a plan for demolishing, during the year 2011, buildings and structures that fail the structural assessment;
 9. conduct monthly site visits, weather and lake-ice conditions permitting, until the site is placed in a safe state and should conduct quarterly inspections thereafter;
 10. submit a waste management plan for the temporary storage of all wastes, including demolition waste, by no later than January 31, 2011; and

11. take down buildings that fail the structural assessment by no later than October 31, 2011.

Actions and Measures of the Order

10. At a Commission Meeting held on January 20, 2011, it was confirmed that SRC has complied with all of the requirements of the Order, due by that date, with the exception of Order Item 5, which could not be completed for circumstances that were out of the SRC's capabilities. CNSC staff recommended that the Order be replaced to indicate a revised completion date of October 31, 2011 for Item 5 and to indicate that Items 1 to 4 and 6 to 8, inclusive, and Item 10² have been completed.
11. The Commission requested an explanation on the process which will remove the Order issued to the SRC for the Gunnar mine site. CNSC staff explained that items contained within the Order have specific completion dates and that the Order will remain active until all items are completed. CNSC further explained that the item with the latest completion date is to be completed by October 2011. CNSC staff recommended that the item that could not be completed by its original completion date of October 2010 for health and safety reasons, be extended to show that the SRC is still in compliance with the Order. CNSC staff also recommended that the completed items be marked off as complete in the revised Order in order to show compliance with the Order.
12. The Commission asked for clarification in regards to the complaint from the Métis local president saying that they were not aware of the Order being issued to the SRC. CNSC staff explained that they notified the local residents, stakeholders and Aboriginal groups by mail that there was going to be an opportunity to be heard at a hearing based on the Order issued. CNSC staff stated that their records showed that the Métis local president had in fact received the notification and documentation pertaining to the Order that had been mailed out since attestation of receipt of the correspondence had been signed.
13. The Commission inquired about the budget for remediation activities at the Gunnar site for 2010 and what is expected to be spent going forward. The SRC stated that they have spent just under \$800,000 in 2010 and are planning on spending several millions going forward. The SRC could not disclose the exact budget for the upcoming year since they are involved in a tendering process.
14. The Commission asked who performed the work at the Gunnar mine site during the year 2010. The SRC representative responded that there was one prime contractor and a number of sub-contractors who carried out the work in 2010, totalling approximately 15 people on-site at any given time. The SRC confirmed that there were no accidents to any worker, including all contractors involved.

² Order Item 10 was confirmed complete by CNSC staff after the Commission Meeting held on January 20, 2011.

15. The Commission inquired about the purpose of the fences at various locations on the Gunnar mine site. CNSC staff explained that the fences were erected to discourage access to numerous hazards on site. CNSC staff also explained that, in addition to erecting fences, the SRC has posted signage describing the various hazards, and the SRC has people inspecting the site regularly to ensure the effectiveness of these institutional controls.

Asbestos and Toxic Substances

16. The Commission requested more information on the asbestos removal work that was completed in 2010. The SRC representative responded that, in 2010, asbestos abatement was carried out in a portion of the mall on the Gunnar site and that asbestos collected was stored in a clean area of the mall, since it was the only building to have passed the structural assessment. The SRC representative explained that asbestos was also removed from wood frame buildings using appropriate methods and wearing appropriate protective equipment and clothing. The SRC representative noted that the work planned for 2011 involves removing the asbestos on the production side of the Gunnar site. The SRC representative added that asbestos will be temporarily stored on site until the EA is complete, from which a path forward will be determined. Some of the asbestos will be removed from the site during the year 2011.
17. The Commission requested more information on the monitoring that was performed in 2010 during the asbestos removal. The SRC responded that the monitoring they performed was to help determine the type of personal protective equipment and clothing that would be required for asbestos removal on site.
18. The Commission inquired about the disposal of containers of toxic substances from the Gunnar mine site. CNSC staff added that the containers containing toxic substances will be removed offsite to a licensed facility for their disposal as soon as possible and that proper care and precautions will be taken when transported offsite.

Airstrip

19. The Commission requested information on the ownership of the airstrip at the Gunnar site and on the lease conditions. The Saskatchewan Ministry of the Environment (MOE) provided a background on the airstrip at Gunnar and explained that the owner of Indian Head Camp Adventures was issued an annually-renewed miscellaneous use permit for temporary use of the airstrip. The Saskatchewan MOE also explained that, at the time of issuance, the owner of Indian Head Camp Adventures was made aware that the permit would only be issued yearly until the future of the airstrip site and the Gunnar mine site is established. The Saskatchewan MOE explained that an indemnity contract is currently attached to the permit which allows Indian Head Camp Adventures personnel and tourists to travel through the Gunnar site and that this indemnity contract can be cancelled at any time to restrict access through the site while remediation is occurring. The Saskatchewan MOE stated that the airstrip permit would be renewed for the year 2011.

20. In a response to a question from the Commission as to who maintains the airstrip, the Saskatchewan MOE stated that, while the airstrip is public with unlimited access, an agreement was made indicating that the owner of Indian Head Camp would refurbish and maintain the airstrip at no cost to the Saskatchewan MOE.
21. The Commission asked if the airstrip was a part of the Gunnar mine site. The SRC representative explained that the airstrip is not part of the Gunnar mine site in terms of remediation activities assigned to the SRC.
22. Jug Bay Sport Fishing expressed the importance of maintaining the airstrip at Gunnar open for their business, explaining that other means of transportation are not viable options.

Transportation Routes

23. The Commission inquired about why the road through the Gunnar mine site is required to be closed during remediation work. The SRC representative explained the concerns associated with buildings' structural and asbestos contamination issues. The SRC stated that, in assuring public safety, they are not prepared to let people through the site unless they are attached to the contractors or the SRC.
24. Indian Head Camp explained that they have identified alternatives to going through the Gunnar site and that these alternatives have been discussed with both the SRC and the Saskatchewan MOE. Indian Head Camp also explained that they have supplied the SRC and the Saskatchewan MOE with the schedule by which they access the Gunnar mine site. Indian Head Camp stated their support for the remediation activities at the Gunnar mine site and their intent to cooperate, but do not support the approach that the SRC has taken to help Indian Head Camp resolve the issue of transporting guests to their camp.
25. Indian Head Camp also explained that flying float planes to the camp is not an option due to the economics involved and using the access road from the airstrip through Jug Bay is also not an option because the route by boat to the camp is too dangerous. Indian Head Camp also explained that the possible option of removing the airstrip or using it for fill is inappropriate since it would prohibit them from carrying out their business.
26. The Commission asked if cost estimates were performed for an alternative route through the site, away from the head frame. The Saskatchewan MOE responded that the Minister of the Environment received the letter from Indian Head Camp which discussed the issue and alternative routes and responded to that letter. The Saskatchewan MOE acknowledged issues raised by the area outfitters but noted that Indian Head Camp Adventures were made aware at the time of issuance of the permit that it could be cancelled at any time to allow for the reclamation work at the Gunnar site. The Saskatchewan MOE explained that control over access to the Gunnar site was

given to the SRC to manage and provide protection to the health and safety of the public and persons conducting reclamation activities. The Saskatchewan MOE also explained that, due to the condition of buildings and the nature of asbestos in the buildings, it was determined that guided access through the site while building demolition is occurring is not being considered. The Saskatchewan MOE further added that the ministry will not be contemplating any form of compensation, but will complete the review of the application for construction of a new airstrip by Indian Head Camp Adventures at the expense of Indian Head Camp Adventures.

27. The Commission asked the Saskatchewan MOE what accommodations are being made. The Saskatchewan MOE explained that they were hoping for more discussions with Indian Head Camp but that the issuance of the Order accelerated these discussions. The Saskatchewan MOE have therefore made some accommodations, namely keeping the airstrip open, promising to advise area outfitters when reclamation work will affect the airstrip and when use of the airstrip will cease, and determining an alternative access through Jug Bay.
28. The Commission asked if it was possible to access the waterfront through Dixon Bay. Indian Head Camp responded that access through Dixon Bay is an option, provided a suitable access road from the airstrip to Dixon Bay is constructed.
29. The Commission requested that alternative transportation routes be discussed given that the SRC's mandate is to grow Saskatchewan's economy. The Commission explained the importance of maintaining existing jobs in northern Saskatchewan and requested guidance from the Saskatchewan Ministry of Energy and Resources into the resolution of this issue. The Saskatchewan Ministry of Energy and Resources agreed with the position taken by the Saskatchewan MOE, based on recommendations from health and safety experts that were brought in to look at the implications of the work that had to be done at the Gunnar site. The Saskatchewan Ministry of Energy and Resources stated that they would rely on the Saskatchewan MOE to look after the interest of provincial Crown land.

Conclusion

30. The Commission has considered the information and submissions of the SRC and the CNSC staff as presented in the material available for reference on the minutes of meeting.
31. The Commission notes that it cannot rule on any issue pertaining to access to the airstrip and areas around the Gunnar mine site, as these matters are out of the Commission's jurisdiction.
32. Based on the above information, the Commission agrees with CNSC staff's conclusions that the SRC has completed Items 1 to 4, 6 to 8 and 10, and that the SRC could not complete Item 5 for circumstances beyond the control of the SRC.

33. The Commission decides to replace the Order as recommended by CNSC staff in order to indicate that Items 1 to 4 and 6 to 8, inclusively, and Item 10 are complete, and to revise the due date for Item 5 to October 31, 2011.
34. Thus, the Commission, pursuant to subsection 37(6) of the NSCA replaces Order 10-1 to the SRC by the Order attached to this *Record of Proceedings*.

Michael Binder
President,
Canadian Nuclear Safety Commission

Date

Appendix A – Intervenors

Intervenors	Document Number
Indian Head Camp Adventures	11-M10.2
Jug Bay Sport Fishing	11-M10.3
Saskatchewan Ministry of Environment	11-M10.4