

Record of Proceedings, Including Reasons for Decision

In the Matter of

Applicant SRB Technologies (Canada) Inc.

Subject Application to Modify Reporting Requirements
for the Class IB Nuclear Substance Processing
Facility

Hearing Date July 14, 2006

RECORD OF PROCEEDINGS

Applicant: SRB Technologies (Canada) Inc.

Address/Location: 320-140 Boundary Road, Pembroke, Ontario, K8A 6W5

Purpose: Application to modify the reporting requirements for the Class IB Nuclear Substance Processing Facility

Application received: July 10, 2006

Date(s) of hearing: July 14, 2006

Location: Canadian Nuclear Safety Commission (CNSC) President's Office, 280 Slater St., 12th Floor, Ottawa, Ontario

Members present: L. Keen, chair

Secretary: M. Leblanc

Recording Secretary: M. Young

Licence: Amended
Date of Decision: July 14, 2006

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Introduction

1. SRB Technologies (Canada) Inc. (SRBT) has applied to the Canadian Nuclear Safety Commission (CNSC¹) in order to amend its Class IB Nuclear Substance Processing Facility Operating Licence, NSPFOL-13.00/2006. The purpose of the amendments is to change two licence conditions relating to reporting requirements. The two amendments are:
 - to add a new situation to the licence condition in which a report to the Commission must be made; and
 - to amend the licence condition that describes the time periods for making the report so that SRBT reports the new situation in a prescribed manner.

Issues

2. In considering the application, the Commission was required to decide:
 - a) if SRBT is qualified to carry on the activity that the amended licence would authorize, pursuant to subsection 24(4) of the *Nuclear Safety and Control Act*² (NSCA);
 - b) if, in carrying on that activity, SRBT 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, pursuant to subsection 24(4) of the NSCA.

Hearing

3. Pursuant to section 22 of the NSCA, the President of the Commission established a Panel of the Commission to review the application.
4. The Panel of the Commission (hereafter referred to as the Commission), in making its decision, considered information presented for a hearing held on July 14, 2006 in Ottawa, Ontario. During the hearing, the Commission considered written submissions from CNSC staff (CMD 06-H127), SRBT (CMD 06-H127.1) and Concerned Citizens of Renfrew County (CMD 06-H127.2).

¹ In this *Record of Proceedings*, 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

5. The hearing was conducted in accordance with Rule 3 of the *Canadian Nuclear Safety Commission Rules of Procedure*³. In establishing the process, a standing panel on procedural matters determined that it was not necessary to hold a public hearing on the matter, and the hearing was conducted by a panel of one commission member, based on written submissions.

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 is satisfied that SRBT is qualified to carry out the activity that the amended licence will authorize and, in carrying out 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, amends two licence conditions relating to reporting requirements in the SRB Technologies (Canada) Inc. Class 1B Nuclear Substance Processing Facility Operating Licence, NSPFOL-13.00/2006.

7. The Commission includes in the amended licence the conditions recommended by CNSC staff as set out in CMD 06-H127.

Issues and Commission Findings

8. In making its licensing decision under section 24 of the NSCA, the Commission considered whether the amendments would have any impact on the qualifications of the licensee to carry out the activity authorized under the current licence, and the adequacy of the measures in place for protecting the environment, the health and safety of persons, national security and international obligations to which Canada has agreed.

Qualifications and Protection Measures

9. SRBT proposed that a new situation be added to the existing situations that require reporting to the Commission as set out in the current licence condition 6.1. It would now include events where a level equal to or greater than 10 000 microcuries per metre cubed of a nuclear substance which is measurable on the chart recorder used for real time monitoring is released for a duration of 1.0 hours at any time during the course of a working day, as a result of failure of equipment, component, or process system, or an inappropriate procedure or human action.

³ SOR/2000-211

10. CNSC staff reported that the proposal was reasonable and was a meaningful and measurable way to identify a potential loss of control at the SRBT facility in Pembroke. As a result of the condition, SRBT would report to the CNSC when the chart recorder level reaches or exceeds the established value.
11. SRBT reported that the measures that will be taken and the methods and procedures that will be used to implement the proposed condition are described in the two written procedures submitted with the amendment application, “ENG-015 Chart Recorder” and “400-001 Tritium Filling of Betalights”. These documents outline the requirements for calibrating the recorder, the method of monitoring the chart recorder by SRBT staff and actions to be taken by SRBT staff if the action level is exceeded. CNSC staff reported that it had reviewed the documents and found them to be acceptable.
12. SRBT reported that condition 6.2, which prescribes the time period in which SRBT must report the situations listed in the licence condition 6.1, required an amendment such that it would refer to the proposed change in licence condition 6.1. CNSC staff noted that this proposed amendment was reasonable.
13. CNSC staff reported that it was satisfied that the operation of the facility will not pose an unreasonable risk to the environment, nor safety of workers and the public. CNSC staff noted that the new licence conditions are essentially “reporting requirements.”
14. The intervenor, the Concerned Citizens of Renfrew County, expressed its support for the proposed amendments.
15. The Commission is satisfied that the new licence conditions are a meaningful and measurable way to identify a potential loss of control at the SRBT facility in Pembroke. The Commission notes that this issue will be presented before the Commission again at a meeting in October, 2006.

Canadian Environmental Assessment Act

16. Before making a licensing decision, the Commission must be satisfied that all applicable requirements of the *Canadian Environmental Assessment Act* (CEAA) have been fulfilled.
17. CNSC staff reported that it had reviewed the application of the *Canadian Environmental Assessment Act*⁴ (CEAA) and has determined that under the CEAA an environmental assessment was not required for this licence amendment.
18. CNSC staff noted that amending the operating licence would result in an additional reporting and action requirement. The proposed amendment is associated with the continued operation of the SRBT facility, and therefore there is a “project” as defined in Section 2 of the CEAA. However, amending the operating licence does not enable the continued operation of the facility, nor does it enable a changed operation. The facility will continue to operate in the

⁴ S.C. 1992, c. 37.

same manner, whether the proposed changes are included in the existing licence or not. Therefore, since the amendment is not for the purpose of enabling the project to proceed, CNSC staff stated that there is no trigger pursuant to paragraph 5(1)(d) of the CEEA.

19. The Commission therefore accepts the CNSC staff's determination that an environmental assessment is not required pursuant to the CEEA prior to the Commission making a decision on the current application for amendment of the licence.

Conclusion

20. The Commission has considered the information and submissions of the CNSC staff, SRBT and the Concerned Citizens of Renfrew County, as presented in the material available for reference on the record.
21. The Commission is satisfied that appropriate measures have been taken to address the issues for each amendment. The Commission is satisfied that SRBT is qualified to carry out the activity that the amended licence will authorize and, in carrying out 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.
22. The Commission therefore amends two licence conditions relating to reporting requirements in the SRB Technologies (Canada) Inc. Class 1B Nuclear Substance Processing Facility Operating Licence, NSPFOL-13.00/2006, pursuant to section 24 of the Nuclear Safety and Control Act.
23. The Commission includes in the amended licence the conditions recommended by CNSC staff as set out in CMD 06-H127.

Linda J. Keen
President,
Canadian Nuclear Safety Commission

Date of decision: July 14, 2006

Date of release of Reasons for Decision: September 6, 2006