

Record of Proceedings, Including Reasons for Decision

In the Matter of

Applicant Atomic Energy of Canada Limited

Subject Application for amendment of the Chalk River
Laboratories Nuclear Research and Test
Establishment Operating Licence

Hearing Date September 5, 2008

RECORD OF PROCEEDINGS

Applicant: Atomic Energy of Canada Limited

Address/Location: Chalk River Laboratories, Chalk River, Ontario, K0J 1J0

Purpose: Application for amendment of the Chalk River Laboratories
Nuclear Research and Test Establishment Operating Licence

Application received: May 7, 2008

Date of hearing: September 5, 2008

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

Members present: M. Binder, Chair

Secretary: K. McGee
Recording Secretary: P.Reinhardt

Licence: amended
Date of Release of Decision: September 10, 2008

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Introduction

1. Atomic Energy of Canada (AECL) has applied to the Canadian Nuclear Safety Commission¹ (CNSC) for an amendment to its Class I nuclear facilities licence to operate the Chalk River Laboratories (CRL). AECL has requested several changes to the licence to update information and remove outdated licence conditions.
2. AECL has submitted to CNSC all the requested changes in the form of three proposals for amendment of the CRL operating licence, NRTEOL-01.01/2011. These changes are administrative in nature and are outlined as follow:
 - 1) Replace the existing text in conditions 2.3.2 and 2.4.1 by : “this condition has been deleted” and refer to conditions 2.3.3 and 2.4.2 of the current licence for certification of any new National Research Universal (NRU) Health Physicist (NRU HP) and Senior Shift Engineer Reactor (SRSE) at NRU;
 - 2) Delete the reference to conditions 2.3.2 and 2.4.1 from conditions 2.3.3 and 2.4.2, and remove the word “applicable” since the new NRU HP and SRSE must meet all the requirements specified in Appendices C and E;
 - 3) Modify text from licence conditions 2.9. and 2.10 to clarify meaning;
 - 4) Postpone of two months the date requested from AECL, in condition 10.4, to submit environmental monitoring reports;
 - 5) Incorporate, in Appendix 1, an update version of document 1 :” CRL-00521-LP-001”, revision 1 (Information in Support of Site Licence Renewal for Chalk River Laboratories);
 - 6) Accept the revised version of Appendix A, Document 3: ‘CRL Site Emergency Plan’ (document 508000-PLA-001);
 - 7) Accept revised version of Appendix A, document 4: “Derived Limits for AECL’s CRL” (document CRL-509200-RRD-001);
 - 8) Accept revised version of Appendix A, document 5: “CRL Site Security Report’ which includes updated text;
 - 9) Accept revised version of Appendix A, document 7: “Action Levels for CRL”, which includes occupational radiation exposure action levels and airborne and liquid radioactive effluents action levels;

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.

10) Accept revised version of Appendix A, document 8 and 9: “Nuclear Laboratories Nuclear Operations Quality Assurance Manual (NOQAM)” and “AECL Management Manual” (AMM); and

11) Correct minor typos in the existing licence.

Issues

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

Hearing

4. Pursuant to section 22 of the NSCA , the President of the Commission established a panel of the Commission to hear this matter.
5. The Commission, in making its decision, considered information presented for a hearing held on September 5, 2008 in Ottawa, Ontario. During the hearing, the Commission considered written submissions from CNSC staff (CMD 08-H129) and AECL (CMD 08-H129.1).

Decision

6. Based on its consideration of the matter, as described in more detail in the following section of this Record of Proceedings, the Commission concludes that AECL is qualified to carry on the activity that the amended licence will authorize. Therefore,

the Commission, amends NRTEOL-01.01/2011, issued to AECL for Chalk River Laboratories, located in Chalk River, Ontario. The amended licence, NRTEOL-01.02/2011 remains valid until October 31, 2011.

² S.C. 1997, c. 9.

7. The Commission includes in the licence the conditions as recommended by CNSC staff in CMD 07-H129.

Issues and Commission Findings

Qualifications and Protection Measures

8. CNSC staff has reviewed AECL's licence amendment proposals presented in the CMDs and concluded that the proposed licence amendments are administrative in nature and would not change the activities the licensee is authorized to carry on.

Application of the *Canadian Environmental Assessment Act*

9. Before making a licensing decision, the Commission must be satisfied that all applicable requirements of the *Canadian Environmental Assessment Act*³ (CEAA) have been fulfilled.
10. CNSC staff reported that it had completed an Environmental Assessment (EA) determination. CNSC staff stated that there was no requirement for an EA pursuant to subsection 5(1) of the CEAA.
11. The Commission determined that there was no requirement for an Environmental Assessment pursuant to subsection 5(1) of the CEAA. The Commission is satisfied that all applicable requirements of the CEAA have been fulfilled.

Conclusion

12. The Commission has considered the information and submissions of CNSC staff and AECL as presented in the material available for reference on the record.
13. The Commission is of the opinion that the applicant meets the requirements of subsection 24(4) of the *Nuclear Safety and Control Act*. That is, the Commission is of the opinion that Bruce Power Inc. is qualified to carry on the activity that the amended licence will authorize and that it 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.

³ S.C. 1992, c. 37.

14. The Commission therefore amends, pursuant to section 24 of the *Nuclear Safety and Control Act*, NRTEOL-01.01/2011, issued to AECL for Chalk River Laboratories, located in Chalk River, Ontario. The amended licence, NRTEOL-01.02/2011 remains valid until October 31, 2011 unless suspended, amended, revoked or replaced.
15. The Commission includes in the licence the recommendations as recommended by CNSC staff in CMD 08-H129.



Michael Binder,
President
Canadian Nuclear Safety Commission

Date of Release of Decision: September ¹²~~10~~, 2008