



Canadian Nuclear
Safety Commission

Commission canadienne
de sûreté nucléaire

Record of Proceedings, Including Reasons for Decision

In the Matter of

Applicant	<u>Atomic Energy of Canada Limited</u>
Subject	Application to Amend the Chalk River Laboratories (CRL) Nuclear Research and Test Establishment Operating Licence
Hearing Date	March 26, 2010

RECORD OF PROCEEDINGS

Applicant: Atomic Energy of Canada Limited

Address/Location: 2251 Speakman Drive, Mississauga, Ontario L5K 1B2

Purpose: Application to Amend the Chalk River Laboratories (CRL)
Nuclear Research and Test Establishment Operating Licence

Application received: February 23, 2010

Date of hearing: March 26, 2010

Location: Canadian Nuclear Safety Commission (CNSC) 280 Slater St.,
Ottawa, Ontario

Members present: M. Binder, Chair

Secretary: K. McGee
Recording Secretary: P. Reinhardt

Licence: Amended

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Introduction

1. Atomic Energy of Canada Limited (AECL) has applied to the Canadian Nuclear Safety Commission¹ (CNSC) for an amendment to the Chalk River Laboratories (CRL) Nuclear Research and Test Establishment Operating Licence (NRTEOL). CRL are located in Chalk River, Ontario. The current licence, NRTEOL-01.05/2011, expires on October 31, 2011.
2. AECL requested an amendment to its licence in order to provide greater clarity and necessary updates to several licence conditions. AECL also requested to include requirements for retention of an authorized inspection agency to provide pressure boundary services at CRL.
3. AECL, as a Class I nuclear facility in Ontario, is currently inspected by the Technical Standards and Safety Authority (TSSA) under an independent third-party inspection contract between the CNSC and TSSA that will expire on March 31, 2010, and will not be renewed. Therefore, in order to maintain the applicable inspection requirements for pressure boundaries at CRL, AECL was required to make alternate pressure boundary inspection arrangements with one (or more) authorized inspection agency before March 31, 2010.
4. The other changes requested by AECL to the licence were proposed to provide details and clarifications, and to update some of the licensee's documents that are referenced in the licence.

Issue

5. 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.

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 Statutes of Canada, S.C. 1997, c. 9.

Hearing

6. The Commission, in making its decision, considered information presented for a hearing held on March 26, 2010 in Ottawa, Ontario. During the hearing, the Commission considered written submissions from CNSC staff (CMD 10-H104) and AECL (CMD 10-H104.1).

Decision

7. Based on its consideration of the matter, as described in more detail in the following sections of this *Record of Proceedings*, the Commission concludes that AECL has met the conditions of subsection 24(4) of the NSCA. Therefore,

the Commission, pursuant to section 24 of the *Nuclear Safety and Control Act*, amends the Chalk River Laboratories Operating Licence, NRTEOL-01.05/2011, issued to Atomic Energy of Canada Limited for the chalk River Laboratories located in Chalk River, Ontario. The amended licence, NRTEOL-01.06/2011, remains valid until October 31, 2011.

8. The Commission includes in the licence the conditions as recommended by CNSC staff in CMD 10-H104.

Issues and Commission Findings

Qualifications and Protection Measures

9. In respect with alternate pressure boundary inspection arrangements to be made by AECL with an authorized inspection agency before March 31, 2010, CNSC staff reported that it has discussed requirements for the transition process with AECL in several workshops, and has formally communicated them to AECL in September 2009. CNSC staff is satisfied with the new arrangements for the retention by AECL of TSSA to provide pressure boundary services at CRL.
10. CNSC staff also reported that the other changes to the licence to provide details and clarifications and to update some of the licence referenced documents have been discussed with AECL on a case by case basis to confirm that both organizations have a consistent understanding of those changes.
11. Based on its review of AECL's licence amendment proposal, CNSC staff concludes that the proposed licence amendments are administrative in nature and would not change the activities that the licensee is authorized to carry on. CNSC staff recommended that the licensee is qualified to carry on the activities that the proposed amended licence will authorize and, in carrying on those activities, the licensee 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.

12. CNSC staff provided details of the proposed changes, including the current licence conditions and discussions of reasons for these changes, in Appendix 1 of CMD 10-H104. CNSC staff also attached the proposed amended licence to this CMD for the Commission's consideration.

Application of the *Canadian Environmental Assessment Act*

13. 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.
14. 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.
15. The Commission is satisfied that all applicable requirements of the CEAA have been fulfilled.



Michael Binder
President,
Canadian Nuclear Safety Commission

MAR 26 2010

Date

³ Statutes of Canada, S.C. 1992, c. 37.