



Canadian Nuclear
Safety Commission

Commission canadienne
de sûreté nucléaire

Record of Proceedings, Including Reasons for Decision

In the Matter of

Applicant Atomic Energy of Canada Limited

Subject Application to Amend the Nuclear Research and
Test Establishment Decommissioning Licence
for Whiteshell Laboratories to Reflect
Administrative Updates

Hearing
Date October 12, 2012

RECORD OF PROCEEDINGS

Applicant: Atomic Energy of Canada Limited

Address/Location: Chalk River, Ontario K0J 1P0

Purpose: Application to amend the Nuclear Research and Test Establishment Decommissioning Licence for Whiteshell Laboratories to reflect administrative updates

Application received: July 3, 2012, February 27, 2012, January 25, 2012, November 2, 2011, June 11, 2011, December 6, 2010, May 3, 2010

Date of hearing: October 12, 2012

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

Members present: M. Binder, Chair

Secretary: K. McGee
Recording Secretary: M. Young

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 Nuclear Research and Test Establishment Decommissioning Licence (NRTEDL) for its Whiteshell Laboratories located near Pinawa, Manitoba. The current licence, NRTEDL-08.01/2018, expires on December 31, 2018.
2. Whiteshell Laboratories is a Class IB nuclear facility that was initially developed for nuclear research in the early 1960s. AECL was issued a licence to decommission the facility in 2002 and the licence was renewed for a 10-year period in 2008.
3. In its application, AECL requested a licence amendment to make the following administrative changes:
 - update the licensee’s address;
 - update editions of codes and standards listed in licence conditions;
 - minor changes to licence conditions;
 - update the reference to the revised action levels; and
 - update appendices.

Issue

4. 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

5. Pursuant to section 22 of the NSCA, the President of the Commission established a Panel of the Commission to review the application. The Commission, in making its decision, considered information presented for a hearing held on October 12, 2012 in Ottawa, Ontario. During the hearing, the Commission considered written submissions from CNSC staff (CMD 12-H120 and 12-H120.A) and AECL (CMD 12-H120.1).

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, chapter (c.) 9.

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 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 Nuclear Research and Test Establishment Decommissioning Licence NRTEDL-08.01/2018 issued to Atomic Energy of Canada Limited for its Whiteshell Laboratories located near Pinawa, Manitoba. The amended licence, NRTEDL-08.02/2018, remains valid until December 31, 2018.

7. The Commission includes in the licence the conditions as recommended by CNSC staff in CMD 12-H120.

Issues and Commission Findings

Qualifications and Protection Measures

8. Regarding the updated address, CNSC staff reported that the change in the address for AECL's registered head office location from Mississauga to Chalk River, Ontario.
9. Regarding the updated editions of codes and standards listed in licence conditions, AECL requested a change in revision from outdated CSA standards N285.0-95 and B51-97 to more recent versions, N285.0-08 and B51-03 (R2007), respectively. AECL also requested to reference the *National Building Code (2010)* and *National Fire Code (2010)* instead of the 2005 versions. CNSC staff reviewed the request and considers that the proposed code updates to be acceptable since AECL is already compliant with them and these changes will not alter the existing physical work or physical activities at the licensed facility.
10. Regarding the minor changes to five licence conditions, CNSC staff explained that AECL proposed to remove references to outdated standards that had been replaced by more recent versions, and re-worded some licence conditions to be consistent with the licence for AECL's Chalk River Laboratories. AECL explained that the proposed changes would also clarify requirements. CNSC staff stated that the proposed changes would improve regulatory oversight without affecting safety or environmental performance. CNSC staff also noted that AECL is already compliant with the updated standards.

11. Regarding the reference to revised action levels, CNSC staff explained that it reviewed the action levels submitted by AECL and recommended their use. CNSC staff noted that the revised action levels were lower than those used during the operation of the facility. Furthermore, CNSC staff noted that the action levels would be set out in a new Appendix F, which would be referenced in the licence condition.
12. Regarding the updates to appendices, AECL has requested changes to accurately reflect the current building status at the WL facility. CNSC staff explained that buildings requiring an amendment listed in Appendix B and/or E have either been decommissioned and removed or re-designated.
13. CNSC staff stated that it reviewed the proposed changes from AECL and determined that they were administrative in nature. CNSC staff explained that the proposed changes were corrections and replacements within the licence that would not negatively affect the function of the safety-related systems, nor apply less-stringent safety or environmental performance requirements.

Aboriginal Consultation

14. CNSC staff determined that the proposed amendment was administrative in nature and that these changes would have no impact on the rights or potential rights of Aboriginal groups. CNSC staff stated that the duty to consult did not arise in relation to the proposed licence amendment.
15. The Commission agrees with CNSC staff's assessment and is satisfied that Aboriginal consultation was not necessary in relation to the proposed licence amendment.

Application of the *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, 2012*³ (CEAA 2012) have been fulfilled.
17. CNSC staff reported that it had completed an Environmental Assessment (EA) determination and determined that there was no requirement for an EA.

Conclusion

18. The Commission has considered the information and submissions from AECL and CNSC staff and is satisfied that the requested amendments are administrative in nature and will not adversely impact the safety of the Whiteshell Laboratories decommissioning activities. The Commission is also satisfied that aboriginal consultation is not necessary in relation to the proposed amendments.

³ S.C. 2012, c. 19, s.52

19. The Commission is also satisfied that all applicable requirements of the CEAA have been fulfilled.



Michael Binder
President,
Canadian Nuclear Safety Commission

CCT 12 2012

Date