



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 Chalk River
Laboratories Operating Licence

Hearing Date May 14, 2014

Edocs 4435425

Canada

RECORD OF PROCEEDINGS

Applicant: Atomic Energy of Canada Limited

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

Purpose: Application to amend the Chalk River Laboratories
Operating Licence

Application received: March 20, 2014

Date of hearing: May 14, 2014

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

Members present: M. Binder, Chair

Secretary: M. Leblanc
Recording Secretary: D. Carrière

Licence: Amended

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1.0 INTRODUCTION

1. Atomic Energy of Canada Limited (AECL) has submitted a request to the Canadian Nuclear Safety Commission¹ (CNSC), under subsection 24(2) of the *Nuclear Safety and Control Act*² (NSCA), for an amendment to the Nuclear Research and Test Establishment Operating Licence (NRTEOL) for its Chalk River Laboratories (CRL) located in Chalk River, Ontario. The current licence, NRTEOL-01.00/2016, expires on October 31, 2016.
2. Licence condition 16.3 of the CRL operating licence requires that AECL develop and submit, for approval by the Commission, a plan for end of operation or continued operation of the National Research Universal (NRU) reactor beyond October 31, 2016. AECL applied for a one-year extension of the due date stated in licence condition 16.3 since the Government of Canada's decision on the nuclear innovation agenda, expected in late 2014 or early 2015, could influence the future of the NRU reactor.

Issue

3. In considering the application, the Commission was required to decide, pursuant to subsection 24(4) of the NSCA:
 - a) if AECL is qualified to carry on the activity that the amended licence 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 review the application. The Commission, in making its decision, considered information presented for a hearing held on May 14, 2014 in Ottawa, Ontario. During the hearing, the Commission considered written submissions from AECL (CMD 14-H105.1) and CNSC staff (CMD 14-H105).

2.0 DECISION

5. 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,

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.

the Commission, pursuant to section 24 of the *Nuclear Safety and Control Act*, amends the Nuclear Research and Test Establishment Operating Licence NRTEOL-01.00/2016 issued to Atomic Energy of Canada Limited for its Chalk River Laboratories located in Chalk River, Ontario. The amended licence, NRTEOL-01.01/2016, is valid until October 31, 2016.

3.0 ISSUES AND COMMISSION FINDINGS

6. AECL reported that the decision and associated timing for the cessation or continued operation of the NRU reactor beyond October 31, 2016 resides with the Government of Canada. Decisions on the NRU reactor are part of the Government of Canada's broader consideration of nuclear innovation in Canada, and aspects of this are tied to a timeline for the procurement of a private-sector contractor to manage and operate AECL's Nuclear Laboratories. The procurement has experienced delays, and the Government of Canada has informed AECL that decisions on the NRU reactor will not be made in time to meet licence condition 16.3. CNSC staff agrees that it would be more appropriate for AECL to respond to licence condition 16.3 after the Government of Canada's decision on the nuclear innovation agenda, expected in late 2014 or early 2015, which could influence the future of the NRU Reactor.
7. AECL proposed that the due date for licence condition 16.3 be extended from June 30, 2014 to June 30, 2015. AECL stated that it will notify the Commission of any material implications to licence condition 16.3 should the Government of Canada alter timelines for making its decision on the future of NRU.
8. CNSC staff reported that AECL's corporate plan already assumes that the NRU will operate beyond 2016, and would be relicensed in 2016 until 2021. This period is consistent with the conclusions of the Integrated Safety Review for the facility and resulting Integrated Implementation Plan (IIP). CNSC staff will continue to monitor for AECL's progress on the IIP implementation.
9. CNSC staff reported that it has reviewed the application and determined that the proposed licence amendment is administrative in nature and will have no impact on the health and safety of persons, the environment, national security or international obligations to which Canada has agreed. CNSC staff will update the Licence Conditions Handbook to reflect the date change, should it be approved.
10. The Commission wishes to emphasize that, while AECL assumed that the NRU reactor would be relicensed until 2021, AECL would first need to apply for a licence to operate beyond 2016 and demonstrate to the satisfaction of the Commission that it meets CNSC requirements. Such an application would be considered in a public hearing of the Commission.

4.0 CONCLUSION

11. The Commission has considered the information and submissions from AECL and CNSC staff and is satisfied that the requested amendments will not adversely impact the safety of the CRL operations.



Michael Binder
President,
Canadian Nuclear Safety Commission

MAY 14 2014

Date