



# Licensing Basis Objective and Definition

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**Document availability**

This document can be viewed on the CNSC Web site at [nuclearsafety.gc.ca](http://nuclearsafety.gc.ca). To order a printed copy of the document in English or French, please contact:

Canadian Nuclear Safety Commission  
280 Slater Street  
P.O. Box 1046, Station B  
Ottawa, Ontario K1P 5S9  
CANADA

Tel.: 613-995-5894 or 1-800-668-5284 (in Canada only)

Facsimile: 613-995-5086

E-mail: [info@cnsccsn.gc.ca](mailto:info@cnsccsn.gc.ca)

Web site: [nuclearsafety.gc.ca](http://nuclearsafety.gc.ca)

# **Licensing Basis**

Objective and Definition

**January 2010**

## **1. Objective**

The Licensing Basis for a regulated facility or activity defines what an applicant must do to demonstrate that (i) the applicant is qualified to carry out the authorized activity, and (ii) appropriate provisions are in place 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.

The Licensing Basis sets the boundary conditions for acceptable performance at a regulated facility or activity and thus establishes the basis for the CNSC's compliance program in respect of that regulated facility or activity.

## **2. Definition**

The *Licensing Basis* for a regulated facility or activity is a set of requirements and documents comprising:

- (i) the regulatory requirements set out in the applicable laws and regulations
- (ii) the conditions and safety and control measures described in the facility's or activity's licence and the documents directly referenced in that licence
- (iii) the safety and control measures described in the licence application and the documents needed to support that licence application.

## **3. Terms used in the definition**

All the terms used in the definition above are used in the same meaning and context as those given in the *Nuclear Safety and Control Act* and the regulations made pursuant to that Act.

3.1. Applicable *laws and regulations* are set out in several federal statutes and agreements including the following:

- the *Nuclear Safety and Control Act*
- the *Canadian Environmental Assessment Act*
- the *Canadian Environmental Protection Act*
- the *Nuclear Liability Act*
- the *Transportation of Dangerous Goods Act*
- the *Radiation Emitting Devices Act*
- the *Access to Information Act*
- the Canada/IAEA Safeguards Agreement

3.2. Pertinent *regulatory requirements* are set out in the *Nuclear Safety and Control Act* and regulations made under the Act, including, where applicable:

- the *Nuclear Security Regulations*,
  - the *Nuclear Non-Proliferation Import and Export Control Regulations*,
  - the *General Nuclear Safety and Control Regulations*,
  - the *Radiation Protection Regulations*,
  - the *Uranium Mines and Mills Regulations*,
  - the *Class I Nuclear Facilities Regulations*,
  - the *Nuclear Substances and Radiation Devices Regulations*,
  - the *Class II Nuclear Facilities and Prescribed Equipment Regulations*, and
  - the *Packaging and Transport of Nuclear Substances Regulations*.
- 3.3. Safety and control measures described in *documents directly referenced in the licence* form part of the Licensing Basis. These documents include:
- regulatory documents (such as RD-204, EG-1, EG-2, S-210, S-294, plus others),
  - industry codes and standards (such as CSA N286-05, CSA N285.4, CSA N290.13, plus others); and
  - proponent or licensee-produced documents and any subsequent changes made to these documents in accordance with a CNSC-approved change control process (such as Management System Manual, Limits and Conditions of Operation, plus others).
- 3.4. *Documents needed to support the licence application* are those documents which demonstrate that the applicant is qualified to carry out the licensed activity, and that appropriate provisions are in place to protect worker and public health and safety, to protect the environment, and to maintain national security and measures required to implement international obligations to which Canada has agreed. Examples are detailed documents supporting the design, safety analyses and all aspects of operation to which the licensee makes reference, documents describing conduct of operations, and documents describing conduct of maintenance.