



Summary Record of Decision

DEC 22-H4

In the Matter of

Applicant Canadian Light Source Inc.

Subject Application to Renew the Class IB Particle
Accelerator Operating Licence for Canadian
Light Source Inc.

Public Hearing
Date March 23, 2022

Summary
Record of
Decision Date May 26, 2022

SUMMARY RECORD OF DECISION – DEC 22-H4

Applicant: Canadian Light Source Inc.

Address/Location: 44 Innovation Boulevard
University of Saskatchewan
Saskatoon, SK S7N 2V3

Purpose: Application to Renew the Class IB Particle Accelerator Operating Licence for Canadian Light Source Inc.

Application received: January 29, 2021

Date of public hearing: March 23, 2022

Location: Virtual Hearing

Members present: R. Velshi, President
S. Demeter
I. Maharaj

Registrar: D. Saumure
Recording Secretary: C. Moreau
Senior General Counsel: L. Thiele

Applicant Represented By		Document Number
B. Matiko	Acting Chief Operating Officer	CMD 22-H4.1 , CMD 22-H4.1A
G. Botton	Science Director	
M. Boland	Machine Director	
T. West	General Manager	
G. Cubbon	Health, Safety and Environment Manager	
B. Petit	Indigenous Programs Education Coordinator	
CNSC staff		Document Number
K. Owen-Whitred	Director General, Directorate of Nuclear Substance Regulation (DNSR)	CMD 22-H4 , CMD 22-H4.A
M. Broeders	Director, Accelerators and Class II Facilities Division, DNSR	
L. Shuparski-Miller	Senior Project Officer, Accelerators and Class II Facilities Division, DNSR	
S. Thompson	Senior Project Officer, Wastes and Decommissioning Division, Directorate of Nuclear Cycle and Facilities Regulation	

D. Estan	Radiation Protection Officer, Radiation Protection Division, Directorate of Environmental and Radiation Protection and Assess	
Intervenor		
North American Young Generation in Nuclear, represented by M. Mairinger		CMD 22-H4.2

Licence: Renewed

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1.0 INTRODUCTION

1. Canadian Light Source Inc. (CLSI) has applied to the Canadian Nuclear Safety Commission¹ for the renewal of its Class IB Particle Accelerator Operating Licence for its facility located on the University of Saskatchewan campus in Saskatoon, on Treaty 6 territory, the traditional territory of Cree peoples, and the homeland of the Métis Nation of Saskatchewan. The current licence, PA1OL2.01/2022, expires on May 31, 2022. CLSI requested a renewal of the licence for a period of 10 years.
2. The Canadian Light Source is a particle accelerator synchrotron facility, and a Class IB nuclear facility under the [Class I Nuclear Facilities Regulations](#).² The Canadian Light Source produces bright, focused light by accelerating electrons to a very high energy and then forcing them to change direction using magnetic devices. Scientists use synchrotron light to take images of samples, analyze their chemistry, or understand a sample's structure. CLSI's current licence authorizes the operation of the Canadian Light Source, as well as the possession, transfer, use, and storage of nuclear substances arising from the operation of the facility.
3. The Commission is also being asked to accept CLSI's revised financial guarantee in the amount of C\$11,978,300M, consisting of a letter of credit in the amount of \$10,549,000 and a cash fund of \$1,050,000, with planned increases for 2023 through 2026.
4. This *Summary Record of Decision* reflects the substance of the Commission's decision with respect to this licence renewal and the applicable licence conditions. It is issued now, in light of the pending expiry of the current licence. The detailed reasons for the Commission's decision and its assessment of all of the submissions made on the application will be provided in a detailed *Record of Decision*, to be published at a later date.

Issues

5. The Commission is required to determine whether and what requirements the [Impact Assessment Act](#)³ (IAA) imposes in relation to the activities sought to be authorized in CLSI's application to renew its Class IB particle accelerator operating licence. Satisfying any such requirements can be a prerequisite to licensing.
6. Pursuant to paragraph 24(4)(a) and (b) of the [Nuclear Safety and Control Act](#)⁴ (NSCA), to renew the licence, the Commission must be satisfied that:

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 SOR/2000-204

³ S.C. 2019, c. 28, s. 1

⁴ S.C. 1997, c. 9

- a) CLSI is qualified to carry on the activity that the licence would authorize; and
 - b) in carrying on that activity, CLSI 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.
7. As an agent of the Crown, the Commission recognizes its role in fulfilling its constitutional obligations and upholding the honour of the Crown, along with advancing reconciliation with Canada's Indigenous peoples. The Commission's responsibilities include the duty to consult and, where appropriate, accommodate Indigenous interests where the Crown contemplates conduct which may adversely impact Aboriginal and treaty rights.⁵ As such, the Commission must determine what engagement and consultation steps and accommodation measures are called for, respecting Indigenous interests.

Public Hearing

8. On August 3, 2021, a [Notice of Public Hearing and Participant Funding](#) was published for this matter.
9. Pursuant to section 22 of the NSCA, the President of the Commission established a Panel of the Commission over which she would preside, including Commission Members Dr. S. Demeter and Ms. I. Maharaj, to decide on the application. The Commission, in making its decision, considered information presented for a public hearing held virtually on March 23, 2022. The public hearing was conducted in accordance with the [Canadian Nuclear Safety Commission Rules of Procedure](#)⁶ (the Rules). During the public hearing, the Commission considered written submissions and heard oral presentations from CLSI ([CMD 22-H4.1](#), [CMD 22-H4.1A](#)) and CNSC staff ([CMD 22-H4](#), [CMD 22-H4.A](#)). The Commission also considered an oral and written submission from one intervenor, the North American Young Generation in Nuclear ([CMD 22-H4.2](#)). The hearing was webcast live via the CNSC website, and [video archives](#) are available on the CNSC's website.

Participant Funding Program

10. Pursuant to paragraph 21(1)(b.1) of the NSCA, the Commission established a [Participant Funding Program](#) (PFP) to facilitate the participation of Indigenous Nations and communities, members of the public and stakeholders in Commission proceedings. In [August 2021](#), up to \$35,000 in funding to participate in this licence

⁵ *Haida Nation v. British Columbia (Minister of Forests)*, 2004 SCC 73; *Taku River Tlingit First Nation v. British Columbia (Project Assessment Director)*, 2004 SCC 74

⁶ SOR/2000-211

renewal process was made available through the CNSC's PFP to review CLSI's licence renewal application and associated documents, and to provide the Commission with value-added information through topic-specific interventions. No PFP applications were received for this proceeding.

2.0 DECISION

11. Based on its consideration of this matter, the Commission concludes the following:
- no requirements under the *Impact Assessment Act* (IAA) are imposed in relation to this renewal application
 - the Commission's responsibility to uphold the honour of the Crown and its constitutional obligations with regard to engagement and consultation respecting Indigenous interests has been satisfied
 - CLSI is qualified to carry on the activities that the licence renewal will authorize
 - CLSI, in carrying on these activities, 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.

Therefore,

the Commission, pursuant to section 24 of the *Nuclear Safety and Control Act*, renews the Class IB Particle Accelerator Operating Licence issued to Canadian Light Source Inc. for its facility located in Saskatoon, Saskatchewan. The renewed licence, PA1OL-02.00/2032, is valid from June 1, 2022 to May 31, 2032.

12. The Commission includes in the licence the conditions as recommended by CNSC staff in CMD 22-H4 with changes to reflect the most recent standardized conditions. The Commission is imposing the licence conditions in the licence that goes with this summary decision, which is not as was drafted in CNSC staff's CMD but which reflects updated conditions as discussed in the hearing. The Commission delegates authority for the purposes of licence conditions G.3 and 7.2, as recommended by CNSC staff.
13. The Commission finds the financial guarantee amount of C\$11,978,300 to be acceptable for 2022, and the financial guarantee instruments of a letter of credit and cash fund to be appropriate, in accordance with CNSC [REGDOC-3.3.1, *Financial guarantees for decommissioning of nuclear facilities*](#). The Commission directs CLSI to report to CNSC staff on an annual basis to confirm that CLSI has increased the value of its financial guarantee for 2023 through 2026, in accordance with the amounts set out in Table 7 of CMD 22-H4. The Commission directs the licensee to

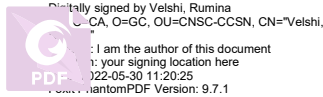
provide original financial guarantee instruments that conform with [G-206 Financial Guarantees for the Decommissioning of Licensed Activities](#), within 90 days of the issuance of this decision.

14. The Commission directs CNSC staff to report on the performance of CLSI and its facility, as part of the periodic [Regulatory Oversight Report](#) for Class IB Particle Accelerators. CNSC staff shall present this report at a public proceeding of the Commission. The Commission directs CNSC staff to inform the Commission, as part of the *Regulatory Oversight Report*, of any changes made to the Licence Conditions Handbook (LCH). CNSC staff may bring any matter to the Commission's attention as required.

3.0 CONCLUSION

15. Details of the Commission's consideration of the information submitted by CLSI in support of its licence renewal application, of CNSC staff assessments and of interventions submitted in relation to this matter will be presented in a detailed *Record of Decision*, to be published at a later date.

Velshi,
Rumina



Rumina Velshi
President,
Canadian Nuclear Safety Commission

May 30, 2022

Date