



Supplementary Information

Written submission from TRIUMF Accelerators Inc.

In the Matter of the

TRIUMF Accelerators Inc.

Application by TRIUMF Accelerators Inc.
for renewal of operating licence for its
particle accelerator facilities

Commission Public Hearing

March 23, 2022

Renseignements supplémentaires

Mémoire de TRIUMF Accelerators Inc.

À l'égard de

TRIUMF Accelerators Inc.

Demande de TRIUMF Accelerators Inc. pour le
renouvellement de son permis d'exploitation
pour ses installations dotées d'un accélérateur
de particules

Audience publique de la Commission

23 mars 2022



Monday, November 22, 2021

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

Via email: marc.leblanc@cnscccsn.gc.ca

RE: Application for Renewal of Particle Accelerator Operating Licence (PA1OL-01.00/2022)

Dear Mr. Leblanc:

This letter concerns the application for the renewal of Particle Accelerator Operating Licence PA1OL-01.00/2022 by way of Commission Member Document (TRIUMF Document#193210) dated March 19, 2021 (that application, the "**Application**"; that operating licence, the "**Operating Licence**"). The purposes of this letter are two-fold. First, we wish to clarify certain elements of the Application. Second, we wish to formally request a transfer of the Operating Licence to be effective at the same time as its renewal.

A. Clarification of Application

In reviewing the version of the Application that we submitted to the Canadian Nuclear Safety Commission, we would like to clarify that the Application was made by TRIUMF Accelerators Inc. ("**TAI**"). TAI is a not-for-profit corporation that was incorporated by the member universities of the TRIUMF joint venture to hold the Operating Licence. TAI was incorporated because the Canadian Nuclear Safety Commission indicated, prior to the issuance of an operating licence on March 31, 2007, that all future operating licences with respect to the TRIUMF joint venture's premises and operations would need to be issued to a corporation – as opposed to a joint venture. Through various agreements, including a Management Agreement, TAI was granted (and continues to have) control and authority over relevant assets and operations. Although TAI was (and continues to be) legally distinct from the TRIUMF joint venture and TRIUMF INC., TAI was governed by the same member universities and individuals governing the TRIUMF joint venture – and who now govern TRIUMF INC. As such, it has been viewed internally as a part of "TRIUMF".

Earlier this year, as the Application makes clear, TRIUMF INC. "stepped-into the shoes" of the joint venture by assuming its assets, obligations, operations, and employees. The relationship between TAI and TRIUMF INC. has by and large remained the same as the relationship between TAI and the TRIUMF joint venture. The undersigned appreciate that the Canadian Nuclear Safety Commission is aware of all of this, but believe it is worth supplementing the Application with this additional context.

B. Transfer of Licence

As discussed, TAI was incorporated to hold the Operating Licence because the Canadian Nuclear Safety Commission would not issue the Operating Licence to a joint venture. With the replacement of the joint venture with TRIUMF INC., a corporation, we submit that there is no need for a separate corporation (TAI) to hold the Operating Licence. Instead, we submit that TRIUMF INC. should hold the Operating Licence and that the Operating Licence should be transferred to TRIUMF INC. at the time of the renewal. We understand that this approach was discussed by TRIUMF's legal counsel with legal counsel for the Canadian Nuclear Safety Commission in their discussions on the transition from the TRIUMF joint venture structure to TRIUMF INC.

Following are details pertinent to completing the licence transfer, which TRIUMF is requesting to be transferred coincident with the successful completion of the Operating Licence renewal.

Present licensee details:

- **CNSC licence number:** PA1OL-01.00/2022
- **Licensee name:** TRIUMF Accelerators Inc. (TAI)
- **Licensee head office address:** 4004 Wesbrook Mall, Vancouver BC, V6T 2A3

Transferee details:

- **Applicant name:** TRIUMF INC.
- **Applicant head office address:** 4004 Wesbrook Mall, Vancouver BC, V6T 2A3
- **Location of licensed activity:** 4004 Wesbrook Mall, Vancouver BC, V6T 2A3
- **Description of change to legal status:** The facility known as "TRIUMF" transitioned from a joint venture of Canadian universities to an **incorporated not-for-profit corporation and a registered charity**, controlled by the Canadian universities who were the members of the joint venture, as of June 1, 2021. There is currently no change to the legal status of TRIUMF Accelerators Inc.
- **Proof of incorporation or sole proprietorship:** (attached)

Applicant Information:

- **Business number:** 745884338RR0001
- **Financial contact name:** Joanna Carson, Chief Financial Officer
- **Financial contact mailing address:** 4004 Wesbrook Mall, Vancouver BC, V6T 2A3
- **Financial contact telephone number:** 604-222-7512
- **Financial contact email:** jcarson@triumf.ca
- **Financial guarantee:** Please see the attached agreements.
 1. CNSC Financial Security & Access Agreement
 2. The Escrow Agreement
 3. The Fund Contribution GAP Agreement

Continuity of Organizational Structure and Programs:

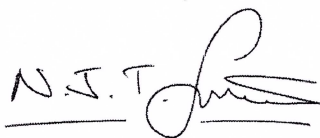
From an operational perspective, the transition from TAI to TRIUMF INC. does not impact any aspect of the TRIUMF facility's operations, including any programs for the protection of the environment, the health and safety of persons, as described in the present Licence Conditions Handbook. Further, the same employees remain in place. From a legal perspective, TRIUMF INC. has assumed the responsibilities of TAI under the Operating Licence and under the agreements between TRIUMF INC., the member universities, TAI, and the Canadian Nuclear Safety Commission to implement the Operating Licence and to provide for the decommissioning process. Amendments to the agreements would take place prior to, and become effective on, the date that the Operating Licence is transferred and renewed. Because the Canadian Nuclear Safety Commission is a party to such agreements, it would be consulted on the proposed amendments and would need to agree to them. Taken together, we submit that TRIUMF INC. is qualified to carry-on the activities that TAI carries on and we are confident the application will meet the requirements of subsection 24(2) of the *Nuclear Safety and Control Act*.

Exemption from Fees:

As a not-for-profit organization that carries out research and that is wholly "owned" by Canadian universities, we submit that TRIUMF INC. will qualify for a fee exemption according to provision 2(b) of the *Canadian Nuclear Safety Commission Cost Recovery Fees Regulations* (SOR/2003-212) in the same way that TAI currently qualifies for the fee exemption.

We would be pleased to address any questions or comments that you may have or to provide any additional information or documents that you may require.

Yours sincerely,

A handwritten signature in blue ink, appearing to read "N.J.T. Smith", written over a horizontal line.

Nigel J.T. Smith
President, TRIUMF Accelerators Inc.

A handwritten signature in blue ink, appearing to read "Angus Livingstone", written in a cursive style.

Angus Livingstone
Chair, Board of Governors, TRIUMF INC.

Cc: Jim Hanlon, Secretary, TRIUMF Accelerators Inc.
Rock Neveau, Chief Safety Officer, TRIUMF
Joe Mildenerger, Radiation Safety Officer, TRIUMF