

# 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 Nuclear Research and Test  
Establishment Operating Licence to extend the  
unplanned event reporting in accordance with  
Regulatory Document S-99

Hearing  
Date October 22, 2008

## **RECORD OF PROCEEDINGS**

Applicant: Atomic Energy of Canada Limited

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

Purpose: Application to Amend the Chalk River Laboratories Nuclear Research and Test Establishment Operating Licence to extend the unplanned event reporting in accordance with Regulatory Document S-99

Application received: July 31, 2008

Date of hearing: October 22, 2008

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

Members present: M. Binder, Chair

Secretary: K. McGee  
Recording Secretary: P. Reinhardt

**Licence:** Amended

## Table of Contents

<b>Introduction</b> .....	1
<b>Decision</b> .....	2
<b>Issues and Commission Findings</b> .....	2
<i>Qualifications and Protection Measures</i> .....	2
<b>Application of the <i>Canadian Environmental Assessment Act</i></b> .....	3
<b>Conclusion</b> .....	3

## **Introduction**

1. Atomic Energy of Canada Limited (AECL) has applied to the Canadian Nuclear Safety Commission<sup>1</sup> (CNSC) for an amendment to its Nuclear Research and Test Establishment Operating Licence (NRTEOL) for Chalk River Laboratories (CRL) located in Chalk river, Ontario. The current licence is NRTEOL- 01.01/2011.
2. AECL has requested rewording of the condition 10.7 to extend the unplanned event reporting in accordance with Regulatory Document S-99<sup>2</sup> throughout the remaining term of the licence. In addition, to address the *Directive to the Canadian Nuclear Safety Commission Regarding the Health of Canadians*<sup>3</sup>, CNSC staff proposed a new licence condition requiring the licensee to inform CNSC of any disruption or potential disruption to the production of medical isotopes.

## Issue

3. In considering the application, the Commission was required to decide, pursuant to subsection 24(4) of the *Nuclear Safety and Control Act*<sup>4</sup>:
  - 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 hear this matter.
5. The Commission, in making its decision, considered information presented for a hearing held on October 22, 2008 in Ottawa, Ontario. During the hearing, the Commission considered written submissions from CNSC staff (CMD 08-H134) and AECL (CMD 08-H134.1).

---

<sup>1</sup> 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.

<sup>2</sup> Regulatory Standard S-99, CC173-3/3-99E, ISBN 0-662-33690-9

<sup>3</sup> S.O.R./2007-282

<sup>4</sup> S.C. 1997, 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 amends the Nuclear Research and Test Establishment Operating Licence issued to AECL for the Chalk River Laboratories. The amended operating licence, NRTEOL- 01.02/2011, remains valid until October 31, 2011.

7. The Commission includes in the licence the conditions as recommended by CNSC staff in CMD 08-H134.

## Issues and Commission Findings

### *Qualifications and Protection Measures*

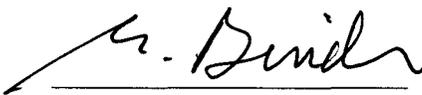
8. Condition 10.7 was included in AECL operating licence to permit a trial period of 12 months to test the applicability of Regulatory S-99 to CRL facilities. After the trial period ended, both AECL and CNSC staff agreed that continued use of Regulatory Document S-99 as detailed guide for reporting unplanned events at CRL was useful. AECL voluntarily continued reporting unplanned events at CRL according to S-99, and requested rewording of condition 10.7 to extend its validity throughout the remaining term of the licence.
9. The extended use of Regulatory Document S-99 would benefit both CNSC staff and AECL. CNSC staff will use the lessons learned from this extended use of S-99 as input to the detailed reporting requirements for CRL currently under development. Simultaneously, AECL is developing a corresponding compliance process.
10. In addition to AECL's request, CNSC staff proposed, to address the *Directive to the Nuclear Safety Commission Regarding the Health of Canadians*, to include in AECL's operating licence a new condition, 10.8, requiring the licensee to inform CNSC of any disruption or potential disruption to the production of medical isotopes.
11. CNSC staff also proposed the addition of a condition, 10.9, to AECL's licence to support condition 10.7. This licence condition requires that the licensee submit to CNSC staff, within 90 days of the end of each quarter of calendar year, a list of unplanned situations or events reported to AECL's management. The list should contain the assigned titles and short descriptions of the situations or events.

**Application of the *Canadian Environmental Assessment Act***

12. Before making a licensing decision, the Commission must be satisfied that all applicable requirements of the *Canadian Environmental Assessment Act*<sup>5</sup> (CEAA) have been fulfilled.
13. CNSC staff reported that it had completed an Environmental Assessment (EA) determination. CNSC staff stated that there was no requirement for an EA pursuant to subsection 5(1) of the CEAA, since the proposed amendment does not constitute a "project" as defined in section 2 of the CEAA.
14. Therefore, the Commission is satisfied that all applicable requirements of the CEAA have been fulfilled.

**Conclusion**

15. The Commission has considered the information and submissions of AECL and CNSC staff as presented in the material available for reference on the record.
16. The Commission is satisfied that the applicant meets the requirements of subsection 24(4) of the *Nuclear Safety and Control Act*.
17. The Commission therefore amends AECL's Nuclear Research and Test Establishment Operating Licence.
18. The Commission includes in the licence the conditions recommended by CNSC staff, as set out in the draft licence attached to CMD 08-H134.



OCT 24 2008

Michael Binder  
President,  
Canadian Nuclear Safety Commission

Date

---

<sup>5</sup> S.C. 1992, c. 37.