

Minutes of the 297th Meeting of the Atomic Energy Control Board held in the Public Hearing Room, AECB Offices, 280 Slater Street, Ottawa, Ontario, Thursday March 23, 2000, beginning at 8:30 a.m.

Present:

Dr. A.J. Bishop, Chair
Dr. C.R. Barnes
Dr. A.J. Carty
Dr. Y.M. Giroux
Mr. A.R. Graham

G.C. Jack, Secretary
A. Nowack, Senior Counsel
B. Gerestein, Recording Secretary

Board staff advisers were R. Brown, R. Chatterjee, S. Ching, M. Duncan, J. Harvie, R. Jammal, K. Kirkhope, R. Leblanc, P. Marchildon, P. Thompson, G. Turcotte and J. Waddington.

Chair and Secretary

1. The President took the chair and the Secretary of the Board acted as Secretary of the meeting with the Manager, Board Services Group acting as recording secretary.

Constitution

2. Notice of the meeting having been properly given (BMD 00-33) and a quorum of Members being present, the meeting was declared to be properly constituted for the transaction of any business that might be brought before it.

3. Since the meeting of February 17, 2000, Board Member Documents BMD 00-33 to BMD 00-45 had been distributed to Members. These documents are further detailed in Annex A of these minutes.

Adoption of Agenda

4. The updated agenda, BMD 00-34.1, was adopted as presented.

DECISION

Preliminary List of Agenda Items for the April 26 and 27, 2000, Board Meeting

5. Members received for information the preliminary list of agenda items for the next meeting of the Board, April 26 and 27, 2000; reference BMD 00-35.

Minutes of the 296th Meeting of the Board, February 17, 2000

6. On motion duly moved and seconded, the Board approved the draft minutes of the 296th meeting; reference BMD 00-36.

DECISION

Business Arising

7. The Board received for information the report on business arising from the previous minutes, as itemized in BMD 00-37.

Significant Development Report

8. Members reviewed Significant Development Report No. 2000-3 with staff who provided updates; reference BMD 00-38.

Status of Legal Issues

9. Members reviewed with Senior Counsel the report on the Status of Legal Issues; reference BMD 00-39.

Next meetings of the Board

10. The Chair noted that the next meetings of the Board will be held April 26 and 27, 2000 in Ottawa, Ontario with an April 5, 2000 deadline for submissions, and May 25, 2000 in Ottawa, Ontario with a May 4, 2000 deadline for submissions.

The Chair indicated that the first meeting of the Canadian Nuclear Safety Commission (CNSC), which will replace the Atomic Energy Control Board upon the coming into force of the *Nuclear Safety and Control Act*, is tentatively scheduled for May 31, 2000.

Centre hospitalier de l'Université de Montréal

11. Members received for consideration the report from AECSB staff on the request of the Centre hospitalier de l'Université de Montréal, Montreal, Quebec, for a Particle Accelerator Operating Licence; reference BMD 00-40. In response to a Member's question about the duration of the licence for this and the two following matters under

consideration, staff stated that a licence for this type of facility is initially issued for a four-year period and afterwards on an indefinite basis if the facility operation is satisfactory.

(Continued in item 17)

Alberta Cancer Board - Tom Baker Cancer Centre

12. Members received for consideration the report from AECEB staff on the request of the Alberta Cancer Board for a Particle Accelerator Operating Licence for the Tom Baker Cancer Centre, Calgary, Alberta; reference BMD 00-41.

(Continued in item 18)

Hôpital Maisonneuve-Rosemont

13. Members received for consideration the report from AECEB staff on the request of Hôpital Maisonneuve-Rosemont, Montreal, Quebec, for a Particle Accelerator Operating Licence; reference BMD 00-42.

(Continued in item 19)

Regulations and By-laws to be made under the *Nuclear Safety and Control Act*

14. Members received a presentation from AECEB staff requesting that Approval in Principle be given to the following regulations and the By-laws proposed to be made under the *Nuclear Safety and Control Act* as the first step in the process toward bringing the Act and regulations into force; reference BMD 00-43 and attachment:

- *General Nuclear Safety and Control Regulations*
- *Radiation Protection Regulations*
- *Class I Nuclear Facilities Regulations*
- *Class II Nuclear Facilities and Prescribed Equipment Regulations*
- *Uranium Mines and Mills Regulations*
- *Nuclear Substances and Radiation Devices Regulations*
- *Packaging and Transport of Nuclear Substances Regulations*
- *Nuclear Security Regulations*
- *Nuclear Non-Proliferation Import and Export Control Regulations*
- *Canadian Nuclear Safety Commission Rules of Procedure*
- *Canadian Nuclear Safety Commission By-laws*

Staff commented on the need for the proposed regulations, consultation which took place regarding them and recent changes to the proposed

Class I Nuclear Facilities Regulations. Staff also discussed their recommendation that the proposed regulations not be republished in Part I of the *Canada Gazette* and explained that this is a discretionary matter as described in a guide issued by the Privy Council Office.

Members discussed with staff a number of issues relating to the adjustments to the regulations that are summarized in the dispositioning document. These issues included the definition of “skin” in the *Radiation Protection Regulations*, the legal status of staff interpretation of terms in the regulations, transition provisions, registration of dosimeters and readiness of companies involved in the transportation of radioactive substances.

Members received for consideration a submission from V. Lau regarding the proposed regulations, in particular guarantees for future liabilities and environmental protection; reference BMD 00-43.1.

Members received for consideration a submission from I. Kock, Nuclear Awareness Project, regarding requirements in the proposed regulations for financial guarantees for future liabilities and environmental protection; reference BMD 00-43.2.

The Chair indicated that financial guarantees to cover future liabilities regarding major nuclear facilities will be put in place as soon as possible after the *Nuclear Safety and Control Act* is in force, and requested that staff prepare a reply to the intervenors.

ACTION
P. Marchildon

(Continued in item 20)

Ontario Power Generation - Bruce Nuclear Power Development Waste Management Facility

15. Members received for initial consideration a presentation from G. Preston and K. Nash, Ontario Power Generation, requesting a two-year renewal of the Operating Licence for the Bruce Nuclear Power Development Radioactive Waste Operations Site 2 Waste Management Facility, County of Bruce, Ontario; reference BMD 00-44.1 and BMD 00-44.1A. The presentation covered topics including past performance of the facility, management system improvements, emission management improvements, community relations and projected future operation.

AECB staff gave a presentation on the subject application following BMD 00-44 and attached overheads. Staff covered topics including facility operations and performance, radiation protection, personnel training, monitoring, compliance inspections, licensing issues and public interest.

Members discussed with AECB staff and the OPG representatives subjects including recent performance of the facility, tritium contamination in one tile hole which OPG indicated is at very low levels but under active investigation, location of monitoring holes, action levels, decommissioning and funding for decommissioning, projected waste volumes, installation of new equipment and monitoring tritium levels in fish.

(Continued in item 21)

AECB Authorizations for Operations Personnel at Nuclear Power Plants

16. Members received for information an update from AECB staff on the introduction of a limit of five years on AECB authorizations for operations personnel at nuclear power plants; reference BMD 00-45.

In response to a Member's question on how the issue of some operators potentially losing their certification is being addressed, AECB staff indicated that utilities will present their views on this issue and a regulatory policy is being developed by AECB staff. The Chair expressed satisfaction that positive steps are underway.

(The meeting continued in camera at 10:20 a.m.)

Centre hospitalier de l'Université de Montréal (Continued from item 11)

17. Having received and heard the presentation of AECB staff, the Board approved the issuance of an Accelerator Operating Licence to the Centre hospitalier de l'Université de Montréal, Montreal, Quebec, for a four-year period to March 31, 2004. DECISION

Alberta Cancer Board - Tom Baker Centre (Continued from item 12)

18. Having received and heard the presentation of AECB staff, the Board approved the issuance of an Accelerator Operating Licence to the Alberta Cancer Board for the Tom Baker Cancer Centre, Calgary, Alberta, for a four-year period to March 31, 2004. DECISION

DECISION

Hôpital Maisonneuve-Rosemont (Continued from item 13)

19. Having received and heard the presentation of AECB staff, the Board approved the issuance of an Accelerator Operating Licence to Hôpital Maisonneuve-Rosemont, Montreal, Quebec, for an indefinite period.

Regulations and By-laws to be made under the *Nuclear Safety and Control Act* (Continued from item 14)

20. Having received and heard presentations and submissions from AECB staff and intervenors, the Board

a) approved in principle the Regulations and By-laws listed below; and

APPROVAL IN
PRINCIPLE

b) agreed that the proposed Regulations listed below do not need to be republished in Part I of the *Canada Gazette*:

- *General Nuclear Safety and Control Regulations*
- *Radiation Protection Regulations*
- *Class I Nuclear Facilities Regulations*
- *Class II Nuclear Facilities and Prescribed Equipment Regulations*
- *Uranium Mines and Mills Regulations*
- *Nuclear Substances and Radiation Devices Regulations*
- *Packaging and Transport of Nuclear Substances Regulations*
- *Nuclear Security Regulations*
- *Nuclear Non-Proliferation Import and Export Control Regulations*
- *Canadian Nuclear Safety Commission Rules of Procedure*
- *Canadian Nuclear Safety Commission By-laws.*

Ontario Power Generation - Bruce Nuclear Power Development Waste Management Facility (Continued from item 15)

21. Having received and heard the presentations from the applicant and AECB staff, the Board gave initial consideration to the application of Ontario Power Generation, Toronto, Ontario, for a Waste Management Facility Operating Licence for the Bruce Nuclear Power Development Radioactive Waste Operations Site 2, County of Bruce, Ontario.

INITIAL
CONSIDERATION

Closing

22. The meeting closed on consensus at 10:45 a.m.

Chair

Recording Secretary

Secretary

ANNEX A / ANNEXE A

BMD	DATE	File No / n° de dossier
00-33	2000-02-23 (1-3-1-5)	Notice of Meeting Avis de convocation
00-34	2000-03-07 (1-3-1-5)	Agenda of the 297th Meeting of the Atomic Energy Control Board to be held in the Public Hearing Room, 14th floor, 280 Slater Street, Ottawa, Ontario, Thursday March 23, 2000 beginning at 8:30 a.m. L'ordre du jour de la 297e réunion de la Commission de contrôle de l'énergie atomique qui se tiendra dans la salle des audiences publiques, au 14e étage du 280, rue Slater, Ottawa (Ontario), le jeudi 23 mars 2000, à compter de 8 h 30.
00-34.1	2000-03-22 (1-3-1-5)	Agenda of the 297th Meeting of the Atomic Energy Control Board to be held in the Public Hearing Room, 14th floor, 280 Slater Street, Ottawa, Ontario, Thursday March 23, 2000 beginning at 8:30 a.m. - Update L'ordre du jour de la 297e réunion de la Commission de contrôle de l'énergie atomique qui se tiendra dans la salle des audiences publiques, au 14e étage du 280, rue Slater, Ottawa (Ontario), le jeudi 23 mars 2000, à compter de 8 h 30 - Mise à jour
00-35	2000-03-07 (1-3-1-5)	Preliminary List of Agenda items for the Board meeting of April 26 and 27, 2000 Liste préliminaire des points à l'ordre du jour de la réunion des 26 et 27 avril 2000 de la Commission
00-36	2000-03-07 (1-3-1-5)	Minutes of Board Meeting held February 17, 2000 Procès-verbal de la réunion de la Commission du 17 février 2000
00-37	2000-03-07 (1-3-1-5)	Business Arising from Atomic Energy Control Board Meetings Suivis des réunions de la Commission de contrôle de l'énergie atomique
00-38	2000-03-07 (1-3-1-5)	Significant Development Report No. 2000-3 Rapport des faits saillants n° 2000-3
00-39	2000-03-07 (2400-6-2)	

Status of Legal Issues

État des questions juridiques

00-40 2000-03-07 (29-1-44-0-0)

Centre hospitalier de l'université de Montréal: Particle Accelerator Nuclear Facility Operating Licence

Centre hospitalier de l'université de Montréal : Permis d'exploitation d'établissement nucléaire

d'accélérateur de particules

00-41 2000-03-07 (29-1-38-4-0)

Alberta Cancer Board (Tom Baker Cancer Centre): Particle Accelerator Nuclear Facility Operating Licence

Alberta Cancer Board (Tom Baker Cancer Centre) : Permis d'exploitation d'établissement nucléaire d'accélérateur de particules

00-42 2000-03-07 (29-1-69-1-0)

Hôpital Maisonneuve- Rosemont: Particle Accelerator Nuclear Facility Operating Licence

Hôpital Maisonneuve- Rosemont : Permis d'exploitation d'établissement nucléaire d'accélérateur de particules

00-43 2000-03-07 (20-1-18-0)

Approval In Principle of the Regulations and By-laws to be Made Under the Nuclear Safety and Control Act

Approbation de principe des règlements (y compris le Règlement administratif) pris en vertu de la Loi sur la sûreté et la réglementation nucléaires

00-43.1 2000-03-06 (1-3-1-7)

Approval In Principle of the Regulations and By-laws to be Made Under the Nuclear Safety and Control Act - Submission from Mr. Victor Lau

Approbation de principe des règlements (y compris le Règlement administratif) pris en vertu de la Loi sur la sûreté et la réglementation nucléaires - Mémoire de monsieur Victor Lau

00-43.2 2000-03-06 (1-3-1-7)

Approval In Principle of the Regulations and By-laws to be Made Under the Nuclear Safety and Control Act - Submission from Nuclear Awareness Project

Approbation de principe des règlements (y compris le Règlement administratif) pris en vertu de la Loi sur la sûreté et la réglementation nucléaires - Mémoire du Nuclear Awareness Project

00-44 2000-03-07 (37-2-2-0)

Ontario Power Generation: Bruce Nuclear Power Development Radioactive Waste Operations Site 2 Waste Management Facility Operating Licence

Ontario Power Generation : Permis d'exploitation d'installation de gestion de déchets radioactifs du site n° 2 du complexe électronucléaire de Bruce

00-44.1 2000-03-06 (1-3-1-7)

Ontario Power Generation: Bruce Nuclear Power Development Radioactive Waste Operations Site 2 Waste Management Facility Operating Licence - Appearance by Ontario Power Generation

Ontario Power Generation : Permis d'exploitation d'installation de gestion de déchets radioactifs du site n° 2 du complexe électronucléaire de Bruce - Intervention par Ontario Power Generation

00-44.1A 2000-03-17 (1-3-1-7)

Ontario Power Generation: Bruce Nuclear Power Development Radioactive Waste Operations Site 2 Waste Management Facility Operating Licence - Appearance by Ontario Power Generation - Revised text of presentation

Ontario Power Generation : Permis d'exploitation d'installation de gestion de déchets radioactifs du site n° 2 du complexe électronucléaire de Bruce - Intervention par Ontario Power Generation - Texte révisé du mémoire

00-45 2000-03-07 (13-1-2-3-0)

Update on the Introduction of a Limit of Five Years on AECB Authorizations for Operations Personnel at Nuclear Power Plants (NPP)

Mise à jour relative à l'introduction d'une limite de cinq ans pour les accréditations délivrées par la CCEA au personnel exploitant des centrales nucléaires