



Canadian Nuclear  
Safety Commission

Commission canadienne  
de sûreté nucléaire

# Record of Proceedings, Including Reasons for Decision

In the Matter of

Applicant Atomic Energy of Canada Limited

Subject Application for an Exemption from the  
Application of Sections 15.01 and 15.02 of the  
*Class II Nuclear Facilities and Prescribed  
Equipment Regulations*

Hearing  
Date September 30, 2013

## **RECORD OF PROCEEDINGS**

Applicant: Atomic Energy of Canada Limited

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

Purpose: Application for an Exemption from the Application of Sections 15.01 and 15.02 of the *Class II Nuclear Facilities and Prescribed Equipment Regulations*

Application received: March 6, 2013

Date of hearing: September 30, 2013

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

Members present: M. Binder, Chair

Assistant Secretary: M. Leblanc  
Recording Secretary: S. Gingras

**Exemption: Granted**

**Table of Contents**

<b>1.0 INTRODUCTION.....</b>	<b>1</b>
<b>2.0 DECISION.....</b>	<b>2</b>
<b>3.0 ISSUES AND COMMISSION FINDINGS .....</b>	<b>2</b>
<b>4.0 CONCLUSION .....</b>	<b>3</b>

## 1.0 INTRODUCTION

1. Pursuant to the *Nuclear Safety and Control Act*<sup>1</sup>, Atomic Energy of Canada Limited (AECL) has applied to the Canadian Nuclear Safety Commission<sup>2</sup> (CNSC) for an exemption from the application of sections 15.01 and 15.02 of the *Class II Nuclear Facilities and Prescribed Equipment Regulations (Class II Regulations)*<sup>3</sup>, which require every licensee to appoint a CNSC certified radiation safety officer (RSO) for their Class II nuclear facilities.
2. AECL currently operates 3 Class II nuclear facilities at the Chalk River Laboratories (CRL) under its Nuclear Research and Test Establishment Operating Licence. AECL considers that it meets the requirements for an exemption as set out in section 11 of the *General Nuclear Safety and Control Regulations (GNSCR)*<sup>4</sup>.

### Issue

3. In considering the application, the Commission was requested to decide, pursuant to section 7 of the NSCA and section 11 of the GNSCR, if granting an exemption will not
  - a) pose an unreasonable risk to the environment or the health and safety of persons;
  - b) pose an unreasonable risk to national security; or
  - c) result in a failure to achieve conformity with measures of control and 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 review the application. The Commission, in making its decision, considered information presented for a hearing held on September 30, 2013 in Ottawa, Ontario. During the hearing, the Commission considered written submissions from CNSC staff (CMD 13-H105) and AECL (CMD 13-H105.1).

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<sup>1</sup> Statutes of Canada (S.C.) 1997, c. 9

<sup>2</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>3</sup> Statutory Orders and Regulations (SOR)/2000-205.

<sup>4</sup> SOR/2000-202

## 2.0 DECISION

5. Based on its consideration of the matter, as described in more detail in the following sections of this *Record of Proceedings*, the Commission considers that the requirements of section 11 of the *General Nuclear Safety and Control Regulations* have been met. Therefore,

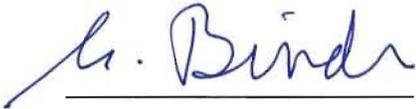
the Commission, pursuant to section 7 of the *Nuclear Safety and Control Act*, exempts Atomic Energy of Canada Limited, located in Chalk River, Ontario, from the requirements of sections 15.01 and 15.02 of the *CNSC Class II Nuclear Facilities and Prescribed Equipment Regulations* in relation to the requirement for a certified radiation safety officer.

## 3.0 ISSUES AND COMMISSION FINDINGS

6. CNSC staff reported that sections 15.01 and 15.02 of the *Class II Regulations* came into force on May 13, 2010, in order to formalize the existing practice at the time for Class II nuclear facilities and to ensure an adequate level of oversight of radiation safety practices at these facilities.
7. CNSC staff noted that, during discussions with AECL, it became evident that no single position at CRL carries out the functions of a RSO as defined in the *Class II Regulations*. AECL considers that the intent and objective of the 2010 amendment to these *Regulations* are met with AECL's existing measures in place at CRL. CNSC staff informed AECL that they had to either create a RSO position or request an exemption from sections 15.01 and 15.02 of the *Class II Regulations* pursuant to section 7 of the NSCA.
8. CNSC staff provided a detailed assessment of AECL's application. CNSC staff reviewed AECL's management systems and nuclear safety programs, and concluded that the RSO responsibilities are already fulfilled by different individuals within the current AECL management structure, which includes the Facility Manager, the Facility Authority, the Vice-President Operations, and radiation protection program personnel. CNSC staff noted that individuals in these positions must follow rigorous selection criteria and are subjected to a comprehensive training program. CNSC staff considers that reallocating all functions of the Class II RSO to one individual at CRL would have no measurable benefit and could result in operational confusion.
9. CNSC staff also noted that the compliance activities at the CRL site over the years have demonstrated that the existing AECL management system and nuclear safety programs are acceptable, and that, therefore, the requirements for granting AECL's exemption request as set out in section 11 of the GNSCR are met.

#### 4.0 CONCLUSION

10. The Commission has considered the information and submissions from AECL and CNSC staff. The Commission concludes that the conditions set out in section 11 of the GNSCR have been met.
11. Pursuant to section 7 of the NSCA, the Commission therefore exempts AECL from the application of sections 15.01 and 15.02 of the *Class II Regulations*.



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Michael Binder  
President,  
Canadian Nuclear Safety Commission

SEP 30 2013

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Date