

# Summary Record of Proceedings and Decision

In the Matter of

Applicant Atomic Energy of Canada Limited

Subject Application to Approve the Construction of  
Shielded Modular Above-Ground Storage  
Buildings at the Chalk River Laboratories

Hearing  
Date May 1, 2007

## RECORD OF PROCEEDINGS

Applicant: Atomic Energy of Canada Limited

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

Purpose: Application to approve the construction of Shielded Modular Above-Ground Storage buildings at the Chalk River Laboratories

Application received: N/A

Date(s) of hearing: May 1, 2007

Location: Canadian Nuclear Safety Commission (CNSC) Public Hearing Room, 280 Slater St., 14th. Floor, Ottawa, Ontario

Members present: L.J. Keen, Chair  
M.J.M. McDill  
A. Graham

Secretary: K. McGee  
General Counsel: S. Maislin-Dickson  
Recording Secretary: S. Dimitrijevic

<b>Applicant Represented By</b>		<b>Document Number</b>
<ul style="list-style-type: none"><li>• W.C.H. Kupferschmidt, General Manager, Decommissioning and Waste Management</li><li>• D.S. Cox, Program Director, Waste Management and Decommissioning Project</li><li>• J. McKenna, Facility Authority, waste Management Operations</li><li>• R. Lesco, Site Engineering Head for CRL Laboratories</li><li>• R. Lounsbury, Licensing Manager for CRL Projects</li></ul>		CMD 07-H122.1
<b>CNSC staff</b>		<b>Document Number</b>
<ul style="list-style-type: none"><li>• M. Santini</li><li>• F. Taylor</li><li>• P. Wong</li></ul>	<ul style="list-style-type: none"><li>• J. Mok</li><li>• R. Maxwell</li></ul>	CMD 07-H122
<b>Intervenors</b>		<b>Document Number</b>
There was no intervenors		

**Licence:** Approved  
**Date of Decision:** May 1, 2007

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## Introduction

1. Atomic Energy of Canada Limited (AECL) has applied to the Canadian Nuclear Safety Commission (CNSC<sup>1</sup>) for the approval to construct six pre-fabricated Shielded Modular Above-Ground Storage Buildings (SMAGS) for the storage of low-level radioactive waste at the Chalk River Laboratories Waste Management Area “H”.
2. AECL is proposing the construction of SMAGS to replace the previously approved design for the facility which would have involved the construction of up to ten metal-clad structures used for the Modular Above-Ground Storage (MAGS) facility. The purpose of this change of concept is to provide additional storage capacity and additional radiation shielding.
3. This *Summary Record of Proceedings and Decision* announces the decision of the Commission on AECL’s application for approval to construct Shielded Modular Above-Ground Storage Buildings for the storage of low-level radioactive waste at the Chalk River Laboratories Waste Management Area “H”. A *Record of Proceeding, including Reasons for Decision* will be published at a later date to describe the Commission’s consideration of the evidence on record for this hearing and to provide the Commission’s reasons for decision.

## Issues

4. In considering the application, the Commission was required to decide, pursuant to subsection 24(4) of the *Nuclear Safety and Control Act*<sup>2</sup> (NSCA):
  - a) if AECL is qualified to carry on the activity that the approval 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.

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<sup>1</sup> In this *Record of Proceedings*, 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> S.C. 1997, c. 9.

### Public Hearing

5. The Commission, in making its decision, considered information presented for a public hearing held on May 1, 2007 in Ottawa, Ontario. The public hearing was conducted in accordance with the *Canadian Nuclear Safety Commission Rules of Procedure*<sup>3</sup>. During the public hearing, the Commission received written submissions and heard oral presentations from CNSC staff (CMD 07-H122) and AECL (CMD 07-H122.1). There were no interventions.

### **Decision**

6. Based on its consideration of the matter, the Commission concludes that AECL is qualified to carry on the activity that the approval will authorize. The Commission is also satisfied that AECL, in carrying on that activity, 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* and licence conditions 4.1 and 4.2 of the existing operating licence (NRTEOL-01.00/2011), approves the construction of Building no. 1 of the proposed series of six Shielded, Modular Above-Ground Storage buildings

7. The Commission will consider a request for the approval for construction of the remaining five buildings upon further application by AECL.

### **Issues and Commission Findings**

8. In making its licensing decision, the Commission considered a number of issues relating to AECL's qualification to carry out the proposed activities and the adequacy of the proposed measures for protecting the environment, the health and safety of persons, national security and international obligations to which Canada has agreed.
9. The findings of the Commission will be presented in a *Record of Proceeding, including Reasons for Decision*, to be published at a later date.

### **Conclusion**

10. The Commission has considered the information and submissions of AECL and CNSC staff as presented in the material available for reference on the record.

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<sup>3</sup> S.O.R./2000-211.

11. The Commission concludes that the requirements of the *Canadian Environmental Assessment Act*<sup>4</sup> for an environmental assessment of the construction of SMAGS have been fulfilled.
12. The Commission is satisfied that the licensee meets the requirements of section 24 of the *Nuclear Safety and Control Act*. That is, the Commission is of the opinion that AECL is qualified to carry on the activity that the approval will authorize and that it 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.
13. The Commission therefore, pursuant to section 24 of the *Nuclear Safety and Control Act* and licence conditions 4.1 and 4.2 of the existing operating licence, approves the construction of Building no. 1 of the proposed series of six Shielded Modular Above-Ground Storage buildings.
14. The Commission will consider the approval for construction of other buildings on the basis of further application, when AECL wishes to proceed with their construction.

Linda J. Keen,  
President  
Canadian Nuclear Safety Commission

Date of decision: May 1, 2007

Date of release of Summary Reasons for Decision: May 11, 2007

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<sup>4</sup> S.C. 1992, c. 37.