

Record of Proceedings, Including Reasons for Decision

In the Matter of

Applicant MDS Nordion, A Division of MDS (Canada) Inc.

Subject Application to Amend the Nuclear Substance
Processing Facility Operating Licence for the
MDS Nordion Facility in Kanata, Ontario

Hearing
Date October 31, 2008

RECORD OF PROCEEDINGS

Applicant: MDS Nordion, A Division of MDS (Canada) Inc.

Address/Location: 447 March Rd., Ottawa, ON, K2K 1X8

Purpose: Application to Amend the Nuclear Substance Processing Facility Operating Licence for the MDS Nordion Facility in Kanata, Ontario

Application received: July 11, 2008

Date of hearing: October 31, 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

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Introduction

1. MDS Nordion, A Division of MDS (Canada) Inc. (MDS Nordion) has applied to the Canadian Nuclear Safety Commission¹ (CNSC) for an amendment to its Nuclear Substance Processing Facility Operating Licence (NSPFOL) for its Nuclear Substance Processing Facility located in Kanata, Ontario. The current licence is NSPFOL-11A.01/2015.
2. The purpose of this request is to include Room 1119 of the Kanata Operations Building (KOB) as part of the Nuclear Facility. Only parts of the KOB are currently included in the NSPOL as submitted to the CNSC in April 2005 and Room 1119 is not part of them. MDS Nordion has made some modifications to access Room 1119 and has requested to include that room as part of the nuclear facility. MDS Nordion has supplied a project description with a drawing and detailed information on the analysis of the modification to the room.

Issue

3. In considering the application, the Commission was required to decide, pursuant to subsection 24(4) of the *Nuclear Safety and Control Act*²:
 - a) if MDS Nordion is qualified to carry on the activity that the amended licence would authorize; and
 - b) if in carrying on that activity, MDS Nordion 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 31, 2008 in Ottawa, Ontario. During the hearing, the Commission considered written submissions from CNSC staff (CMD 08-H138) and MDS Nordion (CMD 08-H138.1).

¹ 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.

² S.C. 1997, c. 9.

Decision

6. Based on its consideration of the matter, as described in more detail in the following section of this Record of Proceedings, the Commission concludes that MDS Nordion is qualified to carry on the activity that the amended licence will authorize. Therefore,

the Commission, pursuant to section 24 of the *Nuclear Safety and Control Act*, amends the Nuclear Substance Processing Facility Operating Licence issued to MDS Nordion, for its Nuclear Substance Processing Facility. The amended licence, NSPFOL-11A.02/2015, remains valid until October 31, 2015.

7. The Commission includes in the licence the modifications as recommended by CNSC staff in CMD 08-H138.

Issues and Commission Findings

8. In making its licensing decision, the Commission considered a number of issues related to MDS Nordion'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.

Qualifications and Protection Measures

9. CNSC staff reviewed the information supplied by MDS Nordion's and concluded that the change requested is administrative in nature and will not require MDS Nordion to make any operational or procedural changes.
10. CNSC staff concluded that the modification and inclusion of the room into the "nuclear facility" will not impact on the security, environment, health and safety or the radiation program.

Application of the *Canadian Environmental Assessment Act*

11. Before making a licensing decision, the Commission must be satisfied that all applicable requirements of the *Canadian Environmental Assessment Act*³ (CEAA) have been fulfilled.

³ S.C. 1992, c. 37.

12. 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.
13. The Commission determined that there is no requirement for an Environmental Assessment pursuant to subsection 5(1) of the *Canadian Environmental Assessment Act*^[3] (CEAA). The Commission is satisfied that all applicable requirements of the CEAA have been fulfilled.

Conclusion

14. The Commission has considered the information and submissions of CNSC staff as presented in the material available for reference on the record.
15. The Commission is of the opinion that the applicant meets the requirements of subsection 24(4) of the *Nuclear Safety and Control Act*. That is, the Commission is of the opinion that MDS Nordion is qualified to carry on the activity that the amended licence 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.
16. The Commission therefore amends, pursuant to section 24 of the *Nuclear Safety and Control Act*, amends the Nuclear Substance Processing Facility Operating Licence issued to MDS Nordion, for its Nuclear Substance Processing Facility located in Kanata, Ontario. The amended licence NSPFOL-11A.02/2015 remains valid until October 31, 2015.
17. The Commission includes in the licence the recommendations made by CNSC staff in CMD 08-H138.



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Michael Binder
President,
Canadian Nuclear Safety Commission

Date
