



Canadian Nuclear
Safety Commission

Commission canadienne
de sûreté nucléaire

Record of Proceedings, Including Reasons for Decision

In the Matter of

Applicant

Nordion (Canada) Inc.

Subject

Application to Amend the Nordion (Canada) Inc.
Nuclear Substance Processing Facility
Operating Licence

Hearing
Date

February 9, 2012

RECORD OF PROCEEDINGS

Applicant: Nordion (Canada) Inc.

Address/Location: 477 March Road, Ottawa, Ontario, K2K 1X8

Purpose: Application to Amend the Nordion (Canada) Inc. Nuclear Substance Processing Facility Operating Licence

Application received: December 13, 2011

Date of hearing: February 9, 2012

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

Members present: M. Binder, Chair

Secretary: M. Leblanc
Recording Secretary: D. Carrière

Licence: Amended

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Introduction

1. Nordion (Canada) Inc. (Nordion) has applied to the Canadian Nuclear Safety Commission¹ (CNSC) for four amendments to the Nuclear Substance Processing Facility Operating Licence for its Kanata Operations Building located in Ottawa, Ontario. The current licence, NSPFOL-11A.03/2015, expires on October 31, 2015.
2. Nordion has requested licence amendments to:
 - reflect the most current revision of the Nordion document entitled *Quality Assurance Program for Safety*;
 - replace the existing wording of a licence condition referring to the disposal of nuclear substances for clarification purposes;
 - replace the reference to the regulatory document AECB-1049 with RD-336 for accounting and reporting of nuclear material; and
 - modify the requirements for reporting to the CNSC shipments of certain sealed sources.

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 (NSCA):
 - a) if Nordion (Canada) Inc. is qualified to carry on the activity that the amended licences would authorize; and
 - b) if in carrying on that activity, Nordion (Canada) Inc. 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 review the application. The Commission, in making its decision, considered information presented for a hearing held on February 9, 2012 in Ottawa, Ontario. During the hearing, the Commission considered written submissions from Nordion (CMD 12-H101.1) and CNSC staff (CMD 12-H101).

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 Statutes of Canada (S.C.) 1997, chapter (c.) 9.

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 concludes that Nordion (Canada) Inc. has met the conditions of subsection 24(4) of the NSCA. Therefore,

the Commission, pursuant to section 24 of the *Nuclear Safety and Control Act*, amends the Nuclear Substance Processing Facility Operating Licence NSPFOL-11A.03/2015 issued to Nordion (Canada) Inc. for its Kanata Operations Building located in Ottawa, Ontario. The amended licence, NSPFOL-11A.04/2015, is valid until October 31, 2015.

Issues and Commission Findings

6. Nordion requested an update to Appendix C of the operating licence to reflect the most current revision, Revision *SE-LIC-001*, of the document *Quality Assurance Program for Safety*. CNSC staff reported having reviewed this document, which is a complete rewrite of Nordion's quality assurance documentation, and found that it meets expectations for a quality management program. CNSC staff determined that the changes to this quality assurance document remain within the licensing basis and improve the safety of the facility. CNSC staff also determined that the implementation of this document within the organization was satisfactory.
7. Nordion requested that the wording of Licence Condition 5, related to the clearance levels which authorize licensees to clear and dispose of small quantities of nuclear substance from regulatory control, be clarified. CNSC staff explained that CNSC clearance levels were brought into force in 2008 with an amendment to the *Nuclear Substances and Radiation Devices Regulations*; therefore the current wording of Licence Condition 5 referencing the International Atomic Energy Agency (IAEA) document TECDOC-855: *Clearance Levels for Radionuclides in Solid Materials* no longer applies. CNSC staff reported that the revised proposed licence condition provides the same scope and regulatory oversight of Nordion's disposal operations and does not represent any changes to Nordion's current practices for waste disposal.
8. Nordion requested an amendment to Licence Condition 8.10 for their operating licence to replace the CNSC regulatory document reference AECB 1049 with RD-336. Regulatory Document RD-336, *Accounting and Reporting of Nuclear Material*, which became effective January 1, 2011, replaces AECB-1049, *Reporting Requirements for Fissionable and Fertile Substances*. CNSC staff reported having conducted outreach sessions with licensees concerning this document change and determined that Nordion is in compliance with the new requirements. CNSC staff also stated that this change will not impact Nordion's reporting requirements.

9. Nordion also requested a revision of Licence Condition 13 related to sealed source tracking, which currently requires Nordion to report to the CNSC at least seven days in advance of any transfers or exports of Iridium-192 (Ir-192) and any transfers of Cobalt-60 (Co-60) and Cesium-137 (Cs-137) sources. CNSC staff explained that, to meet Nordion's business needs, a temporary deviation was previously granted to Nordion to allow reporting of transfers and exports of Ir-192 to the CNSC on the day of the source shipment. Nordion's current request is that the temporary deviation granted for Ir-192 be rendered permanent. Nordion also requested that they be allowed to report transfers of Co-60 and Cs-137 to the CNSC prior to the source shipment and not seven days in advance. CNSC staff noted that reporting requirements for export of Co-60 and Cs-137 sources, and receipt and import of Co-60, Cs-137 and Ir-192 sources would not change.
10. CNSC staff reviewed the proposal from Nordion and recommended maintaining the current requirement for Nordion to report to the CNSC prior to any transfers or exports of Ir-192 and any transfers of Co-60 and Cs-137, but recommends amending the licence condition to remove the requirement for this notification to occur at least seven days in advance. The amendment is in fact a codification in the licence of the temporary deviation in place since December 2005.
11. CNSC staff has determined that, since the requested amendments are administrative, the changes will have no adverse impact on potential or established Aboriginal or Treaty rights. CNSC staff stated that the duty to consult does not arise.

Application of the *Canadian Environmental Assessment Act*

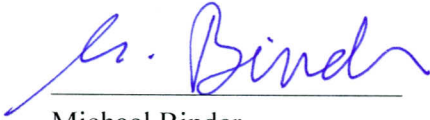
12. Before making a licensing decision, the Commission must be satisfied that all applicable requirements of the *Canadian Environmental Assessment Act*³ (CEAA) have been fulfilled.
13. CNSC staff reported that it had completed an Environmental Assessment (EA) determination. CNSC staff stated that there was no requirement for an EA pursuant to subsection 5(1) of the CEAA.

Conclusion

14. The Commission has considered the information and submissions of Nordion and CNSC staff and is satisfied that the requested amendments are administrative in nature and will not adversely impact the safety of Nordion's operations. The Commission is also satisfied that aboriginal consultation is not necessary in relation to the proposed licence amendments.

³ S.C. 1992, c. 37.

15. The Commission is also satisfied that all applicable requirements of the CEAA have been fulfilled.



Michael Binder
President,
Canadian Nuclear Safety Commission

FEB 09 2012

Date