



CMD 24-M22
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Update from CNSC Staff

**Mise à jour du personnel de la
CCSN**

Mississauga Metals and Alloys Inc.

Mississauga Metals and Alloys Inc.

**Update on Mississauga Metals &
Alloys Inc.**

**Mise à jour sur Mississauga Metals &
Alloys Inc.**

Signed on / Signé le
2024-05-06

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Directeur général de la direction de la réglementation du cycle et des installations nucléaires

UPDATE TO THE COMMISSION ON THE MATTER OF MISSISSAUGA METALS & ALLOYS INC.

ISSUE OR PURPOSE

In its Record of Decision (RoD) [1] related to the Commission's review of the Designated Officer's (DO) Order [2], to Mississauga Metals & Alloys Inc. (MM&A); 1420561 Ontario Inc.; and Richter Advisory Group Inc./Richter Groupe Conseil Inc., the Commission directed CNSC staff to *"provide an update on this matter, including an action plan and timeline for the characterization of the nuclear substances at the March 2024 Commission public meeting, as part of the periodic Regulatory Oversight Report on the Use of Nuclear Substances in Canada, and as new information becomes available"* (Paragraph 11).

CNSC staff provide this written update summarizing the actions taken or planned to be taken on this matter.

BACKGROUND

MM&A declared bankruptcy on August 20, 2021¹, and its waste nuclear substance licence expired on February 28, 2022. Since 2021, CNSC staff have provided updates to the Commission as part of the annual Regulatory Oversight Report on the Use of Nuclear Substances in Canada [4].

CNSC staff continue to have a contracted, third-party security provider to provide 24/7 presence on the site to ensure that the nuclear substances remain secure [5]. CNSC staff continue to inspect the site periodically, most recently in early May 2024, to confirm that the radiation levels outside of the trailers remain at background levels and the substances safely stored.

On March 21, 2023, a Designated Officer issued an Order [2] that required MM&A., 1420561 Ontario Inc. and Richter Advisory Group Inc./Richter Groupe Conseil Inc. to undertake the following actions:

- take measures to secure the premises against unauthorized access
- have a person licensed by the CNSC undertake possession and storage of the nuclear substances located on the premises, in a manner that ensures the safety and security of those nuclear substances
- have a person licensed by the CNSC:
 - verify the amounts of and physical form of all nuclear substances on the premises
 - provide a written report of the physical inventory verification to the satisfaction of the designated officer

¹ Detailed background on the MM&A bankruptcy can be found in CMD 21-M49 [3].

- have a person licensed by the CNSC provide a written plan, including schedule, for the safe and secure removal of the nuclear substances from the premises, subject to any other federal, provincial or municipal legislation, to the satisfaction of the designated officer
- have a person licensed by the CNSC complete the removal of the nuclear substances from the premises to the satisfaction of the designated officer

On November 1, 2023, the Commission published its RoD setting out the results of its review and its decision to revoke the Designated Officer Order dated March 21, 2023 [2]. The details of the matters that were considered and the decision is available in reference 1 but, for context, paragraph 10 is excerpted (emphasis added):

10. With this decision, the Commission directs CNSC staff to liaise with applicable municipal and provincial entities, as well as with MM&A and 1420561 Ontario Inc., to work towards a solution to ensure the safety and security of the MM&A site and of the nuclear substances located on the MM&A site. The Commission directs CNSC staff to proceed with the characterization, including amounts and physical forms of the nuclear substances present on the MM&A site, in a timely manner. Pursuant to subsection 24(6) of the NSCA, the Commission further directs CNSC staff to access and use the existent financial guarantee, to the extent possible, towards this characterization and any future work.

DISCUSSION

CNSC staff have considered the Commission's directions carefully and are working to determine the most effective strategy for addressing them. We remain in contact with officials of the Municipality of Brantford and regularly share inspection results and other information with authorities in the Ontario Ministry of Environment, Conservation and Parks. We also continue to engage an external legal counsel with specialization in the *Bankruptcy and Insolvency Act* to advise on matters related to the bankruptcy.

CNSC staff accessed the full amount (\$200,000) of the MM&A financial guarantee following their declaration of bankruptcy. The financial guarantee funds are being used towards the cost of securing the services of a third-party security provider for the MM&A site.

Given the extent and complexity associated with the waste characterization, the CNSC does not have the ability to undertake the activity itself. The CNSC is therefore seeking to acquire the services of a qualified contractor to carry out the characterization. Following the rules set out for federal departments for procurement of good and services, a competitive process has been launched, with a Request for Proposal under preparation. The characterization of the waste and the establishment of the complete inventory will provide the information necessary for planning a strategy for the eventual disposition of the nuclear substances from the site.

CNSC staff will provide an update to the Commission when progress is made on this matter and more information is available.

CONCLUSION

CNSC staff are taking the steps necessary to establish a strategy that will allow staff to address the direction provided in the Commission's Record of Decision. In the interim, CNSC staff have continued to have in place the necessary arrangements to ensure that the nuclear substances on the MM&A site are securely and safely stored. CNSC staff will provide an update to the Commission when progress is made on this matter and when new information is available, and as part of the Regulatory Oversight Report on the Use of Nuclear Substances in Canada.

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Reviewed by: Benoit St-Jean, Director General, FAD

Reviewed by: Luc Sigouin, Director General, DNCFR

Approved by: Karen Owen-Whitred, Acting Executive Vice President, ROB

Date: May 6, 2024

REFERENCES

- [1] [Record of Decision in the Matter of Mississauga Metals & Alloys Inc.](#); 1420561 Ontario Inc.; and Richter Advisory Group Inc./Richter Groupe Conseil Inc. - Review of Designated Officer Order dated March 21, 2023.
- [2] [Order by a Designated Officer Under Paragraph 37\(2\)\(f\) and Subsection 35\(2\) of the Nuclear Safety and Control Act](#) issued to Mississauga Metals & Alloys Inc.; 1420561 Ontario Inc.; and Richter Advisory Group Inc./Richter Groupe Conseil Inc., March 21, 2023.
- [3] [CMD 21-M49 Event Initial Report - Mississauga Metals and Alloys Bankruptcy](#), October 5, 2021.
- [4] [Regulatory Oversight Report – Use of Nuclear Substances](#)
- [5] [Minutes of the Canadian Nuclear Safety Commission \(CNSC\) Meeting](#) held on November 1-3, 2022.