

Record of Proceedings, Including Reasons for Decision

In the Matter of

Applicant MDS Nordion

Subject Application for the Renewal of the Operating
Licence for MDS Nordion's Nuclear Substance
Processing Facility in Ottawa, Ontario

Date September 30, 2005

RECORD OF PROCEEDINGS

Applicant: MDS Nordion

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

Purpose: Application for renewal of the operating licence for MDS Nordion's Nuclear Substance Processing Facility in Ottawa, Ontario

Application received: February 17, 2005

Date(s) of hearing: June 30, 2005
August 18, 2005

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

Members present: L.J. Keen, Chair A.R. Graham
C.R. Barnes M. J. McDill
J.A. Dosman M. Taylor

Counsel: J. Lavoie
Secretary: M.A. Leblanc
Recording Secretary: S. Gingras

Applicant Represented By	Document Number
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Intervenors	Document Number
See appendix A	

Licence: Renewed
Date of Decision: August 18, 2005

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1. Introduction

MDS Nordion, a Division of MDS Canada Inc. (MDS Nordion) has applied to the Canadian Nuclear Safety Commission (CNSC¹) for the renewal of its Class IB Nuclear Substance Processing Facility Operating Licence for its facility located in Ottawa (formerly Kanata), Ontario. The current licence for the facility (NSPFOL-11A.02/2005) expires on October 31, 2005.

At that facility, MDS Nordion processes unsealed radioisotopes for health and life sciences, and manufactures sealed radiation sources. MDS Nordion is currently authorized by the CNSC to operate the facility and to possess, transfer, use, process, import, manage and store the nuclear substances that are required for, associated with, or arise from the operation of the facility. MDS Nordion has requested a 10-year licence term.

Issues:

In considering the application, the Commission was required to decide, pursuant to subsection 24(4) of the *Nuclear Safety and Control Act*:

- a) if MDS Nordion is qualified to carry on the activity that the 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.

Public Hearing:

The Commission considered information presented for a public hearing held on June 30, 2005 and August 18, 2005 in Ottawa, Ontario. The public hearing was conducted in accordance with the *Canadian Nuclear Safety Commission Rules of Procedure*. During the public hearing, the Commission received written submissions and heard oral presentations from CNSC staff (CMD 05-H14, CMD 05-H14.A and CMD 05-H14.B) and MDS Nordion (CMD 05-H14.1 and CMD 05-H14.1A). The Commission also considered oral and written submissions from four intervenors. See Appendix A to this *Record of Proceedings* for a detailed list of the interventions.

2. Decision

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 MDS Nordion is qualified to carry on the activity that the licence will authorize. The Commission is also satisfied that MDS Nordion, in carrying on that activity, will make adequate provision for the protection of the

¹ 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.

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*, renews the Nuclear Substance Processing Facility Operating Licence for MDS Nordion's nuclear facility located in Ottawa, Ontario. The renewed licence, NSPFOL-11A.00/2015, is valid from November 1, 2005 until October 31, 2015, unless suspended, amended, revoked or replaced.

The Commission adds to the licence the conditions recommended by CNSC staff, as set out in the draft licence attached to CMD 05-H14.B.

With this decision, the Commission requests CNSC staff to present to the Commission two interim status reports on the performance of the facility during the ten-year term of the licence. The status reports are to be presented at public proceedings of the Commission as soon as practical following completion of the third and seventh years of the licence term (i.e. in approximately January 2009 and January 2013).

The Commission also requests CNSC staff to submit Significant Development Reports to the Commission on the facility, should the need arise.

3. Issues and Commission Findings

In making its licensing decision under section 24 of the *Nuclear Safety and Control Act*, the Commission considered a number of issues relating to MDS Nordion's qualifications 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. The Commission's findings on these issues are outlined below.

3.1 Radiation Protection

As part of its evaluation of the adequacy of the provisions for protecting the health and safety of persons, the Commission considered the past performance and future plans of MDS Nordion in the area of radiation protection.

Worker Protection:

MDS Nordion described its program that is designed to keep radiation doses to the workers As Low As Reasonably Achievable (ALARA). An important component of that program involves strict contamination control in the active area. In addition to personnel dose monitoring, the program includes daily sampling and monitoring of areas where there is a higher potential for radiological contamination. Radiation surveys are also routinely conducted in other parts of the active area and around the exterior perimeter of the building.

MDS Nordion reported that the radiation doses received by the Nuclear Energy Workers (NEW) are well below the limit for a member of the public. CNSC staff confirmed that no worker doses were in excess of regulatory limits, and that MDS Nordion is adequately controlling worker exposures.

With reference to a reported slight upward trend in worker doses during the period 1998 to 2000, MDS Nordion explained that this corresponds to an increase in the volume of manufacturing operations at the facility and was limited primarily to the packaging area. MDS Nordion further described how it has been implementing its ALARA program to minimize the radiation exposures in that area.

CNSC staff reported that it identified several minor issues relating to radiation protection during its routine inspections of the facility. CNSC staff is satisfied that MDS Nordion addressed all of those items promptly and adequately. A detailed audit of the radiation protection program was conducted by CNSC staff in March 2004. The audit resulted in three action items and two recommendations. CNSC staff reported that only one action item remains to be completed by MDS Nordion from that audit and that, in the meantime, the issue does not pose an unreasonable risk to the health and safety of workers.

CNSC staff further reported that, at staff's request, MDS Nordion completed in early 2005 substantial revisions to its documentation on radiation protection. In this respect, CNSC staff has accepted the document describing MDS Nordion's ALARA program. Concerning the revised Radiation Protection Manual, MDS Nordion has committed to respond to the CNSC staff's comments by the end of September 2005. CNSC staff noted that the remaining issues on the Radiation Protection Manual do not constitute an unreasonable risk to the health and safety of workers and the public or to the environment.

Public Protection:

MDS Nordion reported that the radioactive emissions from the facility to air and water during the current licensing period have remained less than 1% of the Derived Release Limits (DRLs). There have been no releases (liquid and gaseous) that exceeded the DRLs since the licence was last renewed. CNSC staff confirmed the above performance and concludes that the estimated doses to the public have remained well below the regulatory dose limit.

Conclusion on Radiation Protection:

Based on this information, the Commission is satisfied that MDS Nordion has made, and will continue to make, adequate provisions for the protection of persons from radiation at its Ottawa facility.

3.2 Environmental Protection

The Commission considered whether MDS Nordion has been making, and will continue to make, adequate provision to protect the environment.

Solid Waste:

MDS Nordion reported that all solid waste that does not meet the radiological clearance criteria for disposal as conventional waste is disposed of at the CNSC-licensed waste management facility operated by Atomic Energy of Canada Limited (AECL) at Chalk River Laboratories, Chalk River, Ontario. To help minimize the amount of radioactive waste generated, MDS Nordion reported that it began in 2004 to segregate radioactive and conventional waste streams at source within its Cobalt Operations Facility.

In response to a question from the Commission on how the radioactively contaminated filters from the ventilation systems are managed, MDS Nordion explained that the HEPA and activated charcoal filters are typically stored for several months to allow the radioactivity to naturally decay to safer levels before they are shipped to the radioactive wastes management facility at Chalk River Laboratories.

Liquid Waste:

MDS Nordion reported that all radioactive liquid waste is similarly collected and transported to the licensed radioactive waste management facility at Chalk River Laboratories. Other waste water which has the potential to contain small amounts of radioactive contamination is collected in holding tanks, sampled and monitored to confirm that it meets the release criteria prior to releasing it to the municipal sanitary sewer. All non-radiological hazardous liquid waste is collected and sent to a waste disposal facility authorized to accept those types of waste.

MDS Nordion and CNSC staff reported that radiological releases in liquid effluents (primarily in the form of I-131) were less than 1% of the DRLs during the period of the current licence.

With reference to the fire suppression sprinkler system at the facility, the Commission sought information on how potentially contaminated fire-water runoff would be managed to protect the environment during such an event. In response, MDS Nordion explained that, since 2002, it is able to collect and contain all fire suppression water within the on-site drainage systems (including the Kizell drain on the facility property) for monitoring prior to release.

Intervenors (P.G. Prins, B. and L. Story and W. F. Michel) expressed concerns about the potential use of the Kizell drain for fire water containment due to its linkage to the off-site, municipal storm-water drainage system. These intervenors are of the view that, in the event of a heavy rain storm, the retention capacity of the Kizell drain would be exceeded and radioactively contaminated water could, in their view, be transmitted directly to the Ottawa River via the city storm-water system.

In response to the Commission's questions on this concern of the intervenors, MDS Nordion noted that there are no connections between the facility active area drain system and the Kizell drain. Furthermore, MDS Nordion stated that there are two storage tanks within the building that would capture water from the active areas for sampling before release. MDS Nordion explained that it could retain millions of gallons of water inside the facility if needed before releasing it. In addition, MDS Nordion stated that it could temporarily block the Kizell drain if necessary to increase the on-site containment. In conclusion, MDS Nordion expressed the view that the uncontrolled release of contaminated water into the environment is not a credible scenario. MDS

Nordion also stated that it had no concerns about flooding from the Kizell Drain in the future. CNSC staff expressed its agreement with this response to the intervenors' concerns by MDS Nordion.

Airborne Releases:

MDS Nordion described its atmospheric emission control system. MDS Nordion explained that all air in the facility passes through up to three stages of filtration to remove both particulate and gaseous contaminants. The system is equipped with emergency back-up power to ensure uninterrupted operation.

With respect to the performance of the emission control system, MDS Nordion reported that airborne releases have consistently remained within 1% of the DRLs. MDS Nordion noted that this is further confirmed by the results of environmental soil sampling and dosimetry that it conducts in the vicinity of the facility. No measurable contamination of the surrounding environment has been identified by that monitoring.

Environmental Monitoring:

Further with respect to the environmental monitoring program, MDS Nordion noted that it includes continuous monitoring of process ventilation, exhaust ductwork, and stack emissions; weekly air sampling and analyses for exhaust stack emissions; active area liquid effluent holding tank sampling; environmental radiation monitoring using TLDs (thermal luminescent dosimeters); and local soil sampling to monitor for release of long-lived isotopes. MDS Nordion reported that radiation levels measured in the surrounding environment are consistent with background levels.

In response to the Commission's questions on why the program does not include sampling of the air in the surrounding community, MDS Nordion explained that weekly air sampling is conducted in the work area for the employees and on the stack emissions, and that because the levels of radioactivity are so small and short-lived in those locations, MDS Nordion is of the view that further sampling of the ambient air quality outside the facility would not be worthwhile. MDS Nordion considers that the environmental TLDs and soil sampling provide assurance that the radioactive emissions are being adequately controlled.

CNSC staff concurred that, due to the very low levels of contaminant releases to the environment from the facility, additional ambient air quality monitoring would not be effective. As such, MDS Nordion is not required by the CNSC to have a more detailed environmental effects monitoring program. CNSC staff expressed the view that current monitoring programs provide sufficient confidence that radiation levels in the local environment are extremely close to background levels. CNSC staff further stated that it does not expect any changes to this situation during the proposed licence period.

In their interventions, W.F. Michel, P.G. Prins and B. and L. Story expressed concerns about the lack of weekly air samples in the community. They argued that a leak in an unmonitored part of the system could cause contaminants to escape into the environment and that no system is in place to detect this potential event. Therefore, they suggest continuous air monitoring and regular soil sampling, as well as an increase of the sampling frequency of the stack emissions

from weekly to daily, or ideally continuous. In response to the Commission's request for more information on gaseous release of contaminants, MDS Nordion explained that there have been no releases of contaminants in the history of the facility, and that the potential for release at locations other than the stacks where sampling of releases are performed is extremely small. CNSC staff commented that it was satisfied with the design of the air handling system at the facility.

Further in this regard, the Commission questioned CNSC staff on when it would be justified to require routine ambient air quality monitoring in the vicinity of a nuclear facility. CNSC staff responded that air monitoring is normally required for operations where there are ongoing emissions and it would be feasible to measure effects on air quality off-site. CNSC staff stated that it does not consider that these conditions exist at the MDS Nordion facility.

Conclusion on Environmental Protection:

Based on the above information, the Commission is satisfied that MDS Nordion has made, and will continue to make, adequate provision for the protection of the environment in the operation of its Ottawa facility during the proposed licence period. In light of the concerns expressed by the intervenors, the Commission encourages MDS Nordion to be more active in providing the public with information on the potential environmental effects of the facility and the mitigation measures in place to control radiological and other emissions. See section 3.8 below for a further discussion of the Commission's finding in respect of MDS Nordion's public information program.

3.3 Conventional Health and Safety

As part of its evaluation of the adequacy of provisions for protecting the health and safety of persons, the Commission considered the past performance and future plans of MDS Nordion in the area of conventional (non-radiological) health and safety at the facility.

MDS Nordion reported that it has in place a comprehensive program for the management of industrial health and safety. MDS Nordion also noted that the frequency and severity of accidents at the facility are significantly lower than the average for the nuclear industry. CNSC staff reported that, while MDS Nordion reported a number of worker injuries during the current licensing period, none were serious. CNSC staff expressed its satisfaction with the performance of MDS Nordion in this area.

Based on this information, the Commission is satisfied that MDS Nordion has made, and will continue to make, adequate provision for the protection of persons from conventional (non-radiological) hazards during the operation of its Ottawa facility.

3.4 Operational Compliance

The Commission considered MDS Nordion's current and past operating performance as a further indication of its qualifications to operate its Ottawa facility and, in doing so, to provide adequate protection for the environment, persons, national security and international obligations. In addition to examining MDS Nordion's performance record during the current licence period, the Commission examined the licensee's quality assurance programs that are intended to help sustain acceptable performance in the future.

MDS Nordion reported that its facility had undergone a design review that includes review of the most credible accidents and mitigating controls (both engineering and administrative controls) to ensure risks are maintained at acceptable levels. CNSC staff noted that there were no reported unplanned events affecting the safe operation of the facility.

With respect to how external factors could affect the safe operation of the facility, the Commission questioned MDS Nordion on how it responded to the 1998 ice storm and the 2003 power outage. In response, MDS Nordion stated that backup power generators provided emergency power during both events. MDS Nordion noted that, while some employees were not available during the ice storm for personal reasons, adequate numbers of qualified personnel were maintained at the site. MDS Nordion further commented that because many of its products are made up of very short-lived isotopes, it has a strong incentive to ensure that the risk of electrical power interruptions is minimized. As such, the emergency power backup systems are maintained in good repair and are tested frequently.

CNSC staff reported that it carried out five routine inspections during the licence period and minor deficiencies were found. CNSC staff is of the view, however, that those deficiencies did not pose unreasonable risks to the health and safety of persons or to the environment. MDS Nordion has corrected the deficiencies in a timely manner, or is pursuing a corrective action plan. CNSC staff considers MDS Nordion's actions relating to these issues to be acceptable.

Quality Assurance:

CNSC staff reported that it conducted an audit of MDS Nordion's Quality Assurance Program in March 2004, resulting in CNSC staff issuing seven action notices. CNSC staff is continuing to follow up on those action notices.

In the absence of a fully documented Quality Assurance Program, CNSC staff could not assess the full scope and acceptability of the program. However, CNSC staff reported that it did conduct an inspection which provided interim assurance that a number of important controls were actually in place.

CNSC staff reported that, while MDS Nordion's progress in documenting an acceptable quality program has been slower than anticipated, the Quality Assurance Manual is now currently under review and CNSC staff expects that a fully acceptable program will be in place by late 2005 or very early in 2006. MDS Nordion stated that it is working actively to ensure that this time line for completion of an acceptable Quality Assurance Manual and Program is met.

The Commission is concerned with the delays experienced in establishing and implementing an acceptable Quality Assurance Program at the facility. The Commission requests that CNSC staff continue to closely monitor MDS Nordion's progress in this area to ensure the timely resolution of this issue.

Transportation:

MDS Nordion reported that it regularly meets with CNSC staff and international organizations to provide expertise and input into efficient and effective controls for nuclear substance transport. MDS Nordion further noted that a Transport Emergency response plan to meet Transport Canada's regulations was submitted to, and approved by, Transport Canada.

With reference to reported incidents in the past where shipments of radioactive materials had been lost, MDS Nordion confirmed for the Commission that it had successfully retrieved all of the packages involved in those incidents.

Conclusion on Operational Compliance:

The Commission concludes that the past operating compliance at the MDS Nordion's Ottawa facility provides a positive indication of the licensee's ability to carry out the proposed activities under the renewed licence.

3.5 Emergency Preparedness and Fire Protection

Emergency Preparedness:

With respect to the protection of persons and the environment during emergencies that could arise at the Ottawa facility, CNSC staff reported that emergency response exercises were conducted during the licence period, and that MDS Nordion was performing weekly testing of radiation alarms and monthly testing of power backup facilities. MDS Nordion also reported that it holds periodic sessions with the Ottawa Carleton Regional Police detachment and the local fire department.

CNSC staff reported that it evaluated MDS Nordion's emergency response capabilities in September 2000 and found them to be acceptable. In October 2002, CNSC staff also attended an emergency exercise conducted by MDS Nordion and was satisfied with the results. MDS Nordion conducted other drills and exercises throughout the current licence period.

The Commission sought further information on the warning systems in place in the event of an accident or malfunction. In response, MDS Nordion stated that there are response procedures for different events that could occur at the facility. MDS Nordion stated that it also works with the local police forces, who in turn work with Emergency Measures Ontario. Both organizations are prepared for, and would be involved in, any unlikely need to evacuate an area. MDS Nordion expressed its confidence that proper procedures are in place to protect the surrounding communities in case of an event. CNSC staff concurred with MDS Nordion statements in this regard.

Fire safety:

MDS Nordion reported that it submitted its facility's Fire Safety Plan to the Ottawa Fire Services in 2004 and it was approved by the Fire Chief. Briefing and orientation sessions are also periodically held with the local fire department.

CNSC staff reported that two fire safety inspections were performed during the current licence period (in November 2002 and in January 2004). Although there were some items identified during the inspection that required corrective action, CNSC staff expressed its satisfaction that MDS Nordion is in substantial compliance with the requirements and that MDS Nordion has adequately addressed the identified issues. CNSC staff does not consider the remaining issues to be safety significant.

In response to questions from the Commission on how the municipal firefighters would be made aware of, and protected from, radiological risks while responding to a fire at the facility, MDS Nordion explained that the firefighters would not enter the facility without the assistance of a qualified radiation surveyor on the site. MDS Nordion assured the Commission that, even in off-hours, a radiation surveyor would be available and could on site in approximately ten minutes.

3.6 Security

In their interventions, W.F. Michel, J. Chow, P.G. Prins and B. and L. Story expressed concerns about the adequacy of the security requirements. These intervenors are of the view that security measures at the facility should be improved. The Commission questioned MDS Nordion and CNSC staff on the issues raised by the intervenors in closed session.

While it would not be appropriate for the Commission to discuss security matters in detail in a public document, such as this *Record of Proceedings*, the Commission is satisfied that MDS Nordion's performance with respect to maintaining security at the facility has been acceptable. The Commission notes that CNSC staff will continue to perform regular inspections and audits of the security systems at the facility, including a detailed audit to be performed in the fall of 2005. The Commission is also satisfied that CNSC staff is continuing to assess the threats that may exist and to make any necessary adjustments to the security requirements on a continual basis.

Based on this information, the Commission is satisfied that MDS Nordion has made, and will continue to make, adequate provisions for ensuring the physical security of its Ottawa facility.

3.7 Decommissioning Plan and Financial Guarantee

With respect to the Preliminary Decommissioning Plan (PDP) and related financial guarantee for the MDS Nordion's Ottawa facility, CNSC staff reported that it has reviewed the PDP submitted by MDS Nordion and has identified several items that MDS Nordion must address before the document can be considered acceptable. CNSC staff expects that the issues will be addressed and an acceptable PDP will be in place by December 2005. MDS Nordion indicated its agreement with this time line for completion of an acceptable PDP.

CNSC staff noted that a reliable cost estimate for the required decommissioning financial guarantee cannot be established until an acceptable PDP is in place. CNSC staff therefore recommended that the Commission add a condition to the licence that would require MDS Nordion to have a financial guarantee in place by June 1, 2006. CNSC staff also recommended that the Commission grant the Director General, Directorate of Nuclear Cycle and Facilities Regulation the authority to determine the acceptability of the financial guarantee.

In response to Commission's questions on this matter, CNSC staff stated that it considers that MDS Nordion is making reasonable efforts to resolve this issue.

Based on this information, the Commission considers that the plans for completing the Preliminary Decommissioning Plan and related financial guarantee are acceptable for the purpose of the current application for licence renewal. The Commission accepts CNSC staff's recommended licence condition and confirms that the Director General, Directorate of Nuclear Cycle and Facilities Regulation has the authority to determine the acceptability of the financial guarantee.

3.8 Public Information

With respect to the CNSC's requirement that licensees maintain acceptable public information programs, MDS Nordion reported that it periodically issues news releases to provide up-to-date information on the success of company products and services and recent developments in the battle against cancer and other diseases. MDS Nordion has also informed the local community of its application for an operating licence, and invited the public to contact the company to request additional information or to ask questions. Furthermore, MDS Nordion has formally documented a public information program for which CNSC staff has indicated its acceptance. CNSC staff concurred with MDS Nordion in this regard.

Based on the nature of the interventions submitted by the public for this hearing, and considering how the City of Ottawa continues to develop in proximity to the MDS Nordion facility, the Commission is of the view that MDS Nordion needs to re-examine certain aspects of its Public Information Program. The Commission is of the view that information on the nature of the emissions and effluents from the facility, and the risks posed by possible malfunctions and accidents, needs to be communicated in an open and more proactive way by MDS Nordion. The Commission requests that CNSC staff continue to monitor closely improvements made by MDS Nordion in this area and to include this in the planned interim status reports to the Commission during the licence term.

For the purpose of the current application for licence renewal, the Commission is satisfied that MDS Nordion will continue to make the necessary appropriate adjustments to its public information program in response to the changes in, and needs of, the surrounding community.

3.9 Safeguards and Non-Proliferation

Concerning the requirement for MDS Nordion to make adequate provision to ensure maintenance of Canada's international obligations for safeguards and non-proliferation, CNSC

staff noted that MDS Nordion's facility is subject to safeguards requirements, and that the facility maintains nuclear material inventory systems to demonstrate compliance. Receipts and shipments of nuclear material are also recorded and submitted to CNSC staff in accordance with appropriate requirements. CNSC staff undertook an inspection in May 2002, and MDS Nordion was found to be in full compliance with safeguards requirements.

Under the additional protocol, the IAEA has the right to request complementary access to designated locations. One complementary access was carried out at MDS Nordion during the existing licence period, and according to CNSC staff, MDS Nordion's procedures and preparations to accommodate the IAEA's activities were acceptable in providing prompt access to the IAEA inspectors.

Based on this information, the Commission is satisfied that MDS Nordion has made, and will continue to make, adequate provisions in the areas of safeguards and non-proliferation at its Ottawa facility that are necessary for maintaining national security and measures necessary for implementing international agreements to which Canada has agreed.

3.10 Canadian Environmental Assessment Act

Before making a licensing decision, the Commission must be satisfied that all applicable requirements of the *Canadian Environmental Assessment Act* (CEAA) have been fulfilled. CNSC staff stated that no environmental assessment is required under the CEAA because the renewal of the operating licence is not a trigger for such an assessment.

Based on the above information and considerations, the Commission accepts the CNSC staff's determination and is satisfied that no environmental assessment is required pursuant to the CEAA prior to the Commission making a decision on the application for renewal of the licence with the proposed changes.

3.11 Licence Length

In its submission, MDS Nordion requested a licence term of ten years. CNSC staff recommended, with reasons, that the Commission should accept the ten-year licence term proposed by MDS Nordion.

CNSC staff suggested that it present interim reports on the performance of the facility to the Commission after the third and seventh years of the licence term. CNSC staff also confirmed that it would submit Significant Development Reports to the Commission on the facility, should the need arise.

In response to a question from the Commission on whether any significant technological changes were expected at the facility during the next ten years, MDS Nordion explained that it did not expect any significant shifts to its core business, and that the facility is covered with safety analysis reports which include operational limits. Therefore, any major change to the facility would need to be approved by CNSC staff or the Commission.

Based on the above information and considerations, the Commission is satisfied that a ten-year licence is appropriate in this case. The Commission requests CNSC staff to provide two interim status reports on the performance of the facility during the licence term. The status reports are to be presented at public proceedings of the Commission as soon as practicable following completion of the third and seventh years of the licence term (i.e. approximately January 2009 and January 2013).

4. Conclusion

The Commission has considered the information and submissions of MDS Nordion, CNSC staff and intervenors as presented in the material available for reference on the record.

The Commission is satisfied that MDS Nordion is qualified to carry on the activity that the licence will authorize. The Commission is also satisfied that MDS Nordion, 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.

The Commission therefore renews, pursuant to section 24 of the *Nuclear Safety and Control Act*, Nuclear Substance Processing Facility Licence NSPFOL-11A.02/2005. The renewed licence (NSPFOL-11A.00/2015) is valid from November 1, 2005 until October 31, 2015, unless suspended, amended, revoked or replaced.

The Commission includes in the licence the conditions recommended by CNSC staff, as set out in the draft licence attached to CMD 05-H14.B.

Marc A. Leblanc
Secretary,
Canadian Nuclear Safety Commission

Date of decision: August 18, 2005

Date of release of Reasons for Decision: September 30, 2005

Appendix A – Intervenors

Intervenors	Document Number
W. F. Michel	CMD 05-H14.2 CMD 05-H14.2A
J. Chow	CMD 05-H14.3
P. G. Prins	CMD 05-H14.4
B. and L. Story	CMD 05-H14.5