



Canadian Nuclear
Safety Commission

Commission canadienne
de sûreté nucléaire

Record of Proceedings, Including Reasons for Decision

In the Matter of

Licensee
Named in or
Subject to
Order

Sunnybrook Health Sciences Centre
Sunnybrook Research Institute

Subject

Review by the Commission of the Designated
Officer Order Issued on May 1, 2014

Date of
Commission
Hearing

May 20, 2014

RECORD OF PROCEEDINGS

Licensee/Person named in
or subject to order: Sunnybrook Health Sciences Centre, Sunnybrook Research
Institute

Address/Location: Sunnybrook Health Sciences Centre
Department of Medical Imaging, AG40
2075 Bayview A venue
Toronto ON M4N 3M5
Canada

Sunnybrook Research Institute
Medical Physics, TG217
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Toronto ON M4N 3M5
Canada

Purpose: Review by the Commission of the Designated Officer Order Issued
on May 1, 2014

Order Issued: May 1, 2014

Date of Commission
Hearing: May 20, 2014

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

Member present: M. Binder, Chair

Secretary: M.A. Leblanc
Recording Secretary: S. Gingras

Order: Confirmed

Table of Contents

Introduction..... 1
Decision 2
Issues and Commission Findings..... 2
 Actions and Measures of the Order 2
Conclusion 3

Introduction

1. On May 1, 2014, a Canadian Nuclear Safety Commission¹ (CNSC) Designated Officer issued an Order to Sunnybrook Health Sciences Centre (SHSC) and to Sunnybrook Research Institute (SRI) (the licensees). The Order required the licensees to immediately comply with specific actions and measures identified in the Order. Among other actions and measures, the licensees were ordered to conduct a physical search of the area to verify that all nuclear substances and prescribed equipment are properly stored, identify and transfer all surplus nuclear substances, prepare a training plan providing radiation protection awareness to all licensee staff, and complete the training in accordance with this plan.
2. Pursuant to subsection 37(6) of the *Nuclear Safety and Control Act*² (NSCA), the Designated Officer referred the Order to the Commission for review.
3. Pursuant to paragraph 40(1)(d) of the NSCA, the Commission provided an opportunity to be heard to SHSC and SRI, as the licensees subject to and named in the Order. In a letter dated May 8, 2014 and sent to the Secretary of the Commission, the Executive Vice President and Chief Administrative Officer, Sunnybrook Health Sciences Centre declared that the licensees waived their right to be heard on this matter. The licensees also stated that they had commenced the actions required to fulfill the terms of the Order.
4. This *Record of Proceedings* describes the Commission's consideration of SHSC and SRI submission on the Order, the review of the Order and the reasons for the decision.

Issue

5. In its review of the Order, the Commission was required to confirm, amend, revoke or replace the Order, pursuant to subsection 37(6) of the NSCA.

Hearing

6. 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 May 20, 2014 in Ottawa, Ontario. The hearing was conducted in accordance with the *Canadian Nuclear Safety Commission Rules of Procedure*³. The Commission considered the Designated Officer Order, including information referred to in the Order.

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.

³ Statutory Orders and Regulations (SOR)/2000-211.

Decision

7. Based on its consideration of the matter, as described in more detail in the following sections of this *Record of Proceedings*,

the Commission, pursuant to subsection 37(6) of the NSCA, confirms the Designated Officer Order issued to Sunnybrook Health Sciences Centre and Sunnybrook Research Institute on May 1, 2014.

Issues and Commission Findings

8. In reviewing the Order under subsection 37(6) of the NSCA, the Commission considered the reasonableness of the Order. In this regard, the Commission considered the actions and measures identified in the Order and the information on which the Order was based, as identified in the Order. As elaborated further below, the Commission is satisfied that the Designated Officer, based on the information available, had sufficient evidence and a reasonable basis for issuing the Order to protect the environment until the matter could come before the Commission.

Background

9. On 3 occasions in March and April 2014, the licensees reported to the CNSC that they were unable to locate a total of 25 sealed sources and that they were reported to have been transferred to another location. The Designated Officer considers that these events demonstrate the failure of the licensees to meet their obligation to take all reasonable precautions to protect the health and safety of persons and to maintain the security of nuclear substances and to implement a radiation protection program by having management control of work practices. Therefore, the circumstances demonstrate inadequate provision for the protection of the environment, the health and safety of persons and the maintenance of national security in relation to the unauthorized transfer of nuclear substances and prescribed equipment.

Actions and Measures of the Order

10. The Order requires the licensees to take numerous remedial measures to the satisfaction of the CNSC, including:
- by May 16, 2014, performing a complete inventory of all nuclear substances and prescribed equipment in their possession,
 - by May 16, 2014, submit to the Designated Officer written procedures to be

followed by the licensees for the renovation, remediation and decommissioning of any location where nuclear substances or prescribed equipment are stored,

- by May 30, 2014, conduct a physical search of all areas to verify that all nuclear substances and prescribed equipment are properly stored,
- by May 30, 2014, identify all surplus nuclear substances and prescribed equipment and transfer them to authorized recipients, and store all remaining nuclear substances and prescribed equipment that are not in use in locations that are under the full control of the radiation safety officer,
- by June 6, 2014, prepare a training plan for approval by the Designated Officer which provides radiation protection awareness to all licensee staff,
- by June 30, 2014, complete the radiation protection training for all licensee staff.

Conclusion

11. The Commission has considered the information presented in the material available for reference on the record for the proceeding.
12. Based on the above information, the Commission agrees with CNSC staff's conclusions that SHSC and SRI have failed to demonstrate adequate provision for the protection of the environment, the health and safety of persons and the maintenance of national security in relation to the unauthorized transfer of nuclear substances and prescribed equipment.
13. Thus, the Commission, pursuant to subsection 37(6) of the NSCA, confirms the Designated Officer Order issued to SHSC and SRI on May 1, 2014 in the manner described in this *Record of Proceedings*.



MAY 20 2014

Michael Binder
President,
Canadian Nuclear Safety Commission

Date