



Canadian Nuclear
Safety Commission

Commission canadienne
de sûreté nucléaire

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 MDS Nordion Nuclear
Substance Processing Facility Operating
Licence

Hearing
Date November 18, 2010

RECORD OF PROCEEDINGS

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

Address/Location: 447 March Road, Ottawa, Ontario, K2K 1X8

Purpose: Application to amend the MDS Nordion, a Division of MDS (Canada) Inc. Nuclear Substance Processing Facility Operating Licence

Application received: October 27, 2010

Date of hearing: November 18, 2010

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

Members present: M. Binder, Chair

Secretary: M. Leblanc

Recording Secretary: D. Major

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 the Nuclear Substance Processing Facility Operating Licence for its Kanata Operations Building located in Ottawa, Ontario. The current licence, NSPFOL-11A.02/2015, expires on October 31, 2015.
2. The requested change is to amend the current licence to reflect the company name change from MDS Nordion, a Division of MDS (Canada) Inc. to Nordion (Canada) Inc.

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 November 18, 2010 in Ottawa, Ontario. During the hearing, the Commission considered written submissions from CNSC staff (CMD 10-H125) and MDS Nordion (CMD 10-H125.1).

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.02/2015 issued to MDS Nordion, a Division of MDS (Canada) Inc. for its Kanata Operations Building located in Ottawa, Ontario. The amended licence, NSPFOL-11A.03/2015, is valid until October 31, 2015. The amendment is effective as of November 1, 2010.

Issues and Commission Findings

6. CNSC staff has concluded that the name change is not the result of a corporate change and it does not result in changes to the operation of the facilities, processes, quality assurance, radiological protection, or safety and emergency plans and procedures which are currently in effect at the facility.
7. CNSC staff has determined that the licence amendment request for the name change is an administrative change and that this change will have no adverse impact on the Aboriginal rights or Treaty rights of Aboriginal groups. CNSC staff stated that Aboriginal consultation was not necessary in relation to the proposed licence amendment.
8. CNSC staff examined the financial guarantee and the implication of the name change. As the name change does not involve a corporate change, CNSC staff has not requested that the letter of credit be reissued at this time.

Application of the *Canadian Environmental Assessment Act*

9. 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.
10. 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.
11. The Commission is satisfied that all applicable requirements of the CEAA have been fulfilled.



Michael Binder
President,
Canadian Nuclear Safety Commission

NOV 18 2010

Date