

Minutes of the 296th Meeting of the Atomic Energy Control Board held in the Public Hearing Room, AECB Offices, 280 Slater Street, Ottawa, Ontario, Thursday, February 17, 2000, beginning at 8:30 a.m.

Present:

Dr. A.J. Bishop, Chair
Dr. C.R. Barnes
Dr. Y.M. Giroux
Mr. A.R. Graham

Absent:

Dr. A.J. Carty

P. Marchildon, Acting Secretary
A. Nowack, Senior Counsel
B. Gerestein, Recording Secretary

Board staff advisers were R. Cawthorn, R. Chamberlain, D. Cochrane, M.Duncan, J. Harvie, D. Howard, K. Klassen, R. Leblanc, A. Régimbald, R.Thomas, J. Waddington and M. White.

Chair and Secretary

1. The President took the chair and the Acting Secretary of the Board acted as Secretary of the meeting with the Manager, Board Services Group acting as recording secretary.

Constitution

2. Notice of meeting having been properly given (BMD 00-15) and a quorum of Members being present, the meeting was declared to be properly constituted for the transaction of any business that might be brought before it.

3. Since the meeting of January 20, 2000, Board Member Documents BMD 00-15 to BMD 00-32 had been distributed to Members. These documents are further detailed in Annex A of these minutes.

Adoption of Agenda

4. The updated agenda, BMD 00-16.1, was adopted as presented.

DECISION

Preliminary List of Agenda Items for the March 23, 2000, Board Meeting

5. Members received for information the preliminary list of agenda items for the next meeting of the Board, March 23, 2000; reference BMD 00-17 and BMD 00-17.1

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6. Following an amendment in section 9 to replace the second sentence in the second paragraph with “C. Jobe, representing Ontario Power Generation (OPG) , in response to a Member’s question about the accident, indicated that a fire occurred on this occasion because combustible material was present in the damaged valve.”, on motion duly moved and seconded, the Board approved the draft minutes of the 295th meeting; reference BMD 00-18.

DECISION

Business Arising

7. The Board received for information the report on business arising from the previous minutes, as itemized in BMD 00-19.

Significant Development Report

8. Members reviewed Significant Development Report No. 2000-02 with staff who provided updates; reference BMD 00-20 and BMD 00-20.1.

Status of Legal Issues

9. Members reviewed with Senior Counsel the report on the Status of Legal Issues; reference BMD 00-21. Senior Counsel added that the prosecution involving AECL has been adjourned to May 16, 2000.

Next meetings of the Board

10. The Chair noted that the next meetings of the Board will be held March 23, 2000, in Ottawa, Ontario, with a March 2, 2000 deadline for submissions, and April 26 and 27, 2000, in Ottawa, Ontario with an April 5, 2000 deadline for submissions.

Alberta Cancer Board - Cross Cancer Institute

11. Members received for consideration the report from AECEB staff on the request from the Alberta Cancer Board (Cross Cancer Institute), Edmonton, Alberta for a Particle Accelerator Operating Licence for the purpose of commissioning a particle accelerator; reference BMD 00-22.

(Continued in item 22)

Ratification of Appointment of Secretary of the Atomic Energy Control Board

12. Pursuant to section 5.7 of the By-laws of the Atomic Energy Control Board, Members received for consideration a referral from the President for ratification of the appointment of Mr. George C. Jack as Secretary of the Board; reference BMD 00-31. (Continued in item 23)

Monserco Limited

13. Members received for initial consideration a presentation from AECB staff on the request of Monserco Limited, Brampton, Ontario, for renewal of its Radioactive Waste Management Facility Operating Licence; reference BMD 00-23. (Continued in item 24)

University Health Network

14. Members received for information the AECB staff report on developments occurring since December 1999 regarding enforcement directives issued to the University Health Network, Toronto, Ontario; reference BMD 00-24. Staff added that on February 7 and 8, they conducted an unannounced on-site inspection and confirmed that the status is as reported by the licensee. In response to a question from the Chair regarding the ability of UHN to provide a radiation safety protection program as scheduled, staff indicated that the program is in development and is required by the end of April 2000.

Follow up Report - MDS Nordion

15. Members received for information an AECB staff report regarding an MDS Nordion worker's extremity dosimeter result for the month of October 1999 which exceeded both the quarterly and annual regulatory limits; reference BMD 00-25. AECB staff further indicated that a site inspection was conducted on February 2 which revealed that the licensee has taken appropriate steps and no further regulatory action is required.

Members discussed with L. Hillier, MDS Nordion representative, possible causes for the incident, training and a lack of information provided by an instrument supplier on how to properly operate a radiation detection meter. Staff indicated that they will investigate whether there are any avenues available to ensure that similar instrumentation problems do not occur with other licensees and report their findings to the Board.

ACTION
M. Duncan

Stolen Nuclear Gauge

16. In response to a request made at the December 16, 1999 Board meeting, Members received for information a status report from AECB staff regarding a nuclear gauge stolen in Toronto on November 15, 1999; reference BMD 00-26. Members discussed the incident and follow up actions taken by staff, including response procedures and notification to the public.

Staff indicated that there is no uniform response to such incidents and that they are dealt with on a case-by-case basis, taking into account factors such as risk to the public. In view of the Board's concern regarding this issue, staff will review the procedures used when a gauge is reported missing and report back to the Board.

ACTION
M. Duncan

Static Eliminator Update

17. As a follow up to the Significant Development Report presented at the December 16, 1999 Board Meeting, AECB staff provided Members with a report about a static elimination device which was discovered in a landfill site in Thunder Bay, Ontario. The device was recovered and is now awaiting proper disposal; reference BMD 00-27.

Air Travel Exclusion Corridor Above Gentilly-2 Nuclear Power Station

18. In response to a request made at the December 16, 1999 Board Meeting, AECB staff gave a presentation on the subject and confirmed that an air travel exclusion corridor does not exist above the Gentilly-2 Nuclear Power Station, Gentilly, Quebec; but that the probability of an airplane crash at the site, and resulting health or environmental risk, is extremely low (reference BMD 00-28). In response to a question from the Chair, staff confirmed that the intervenor who posed the question will be sent a copy of the report.

Port Hope Update

19. In response to direction from the Board given at the December 16, 1999 Board Meeting, AECB staff provided an update on issues regarding possible soil contamination in Port Hope, Ontario; reference BMD 99-29. Staff noted that a further report will be prepared once additional information becomes available.

ACTION
M. Duncan

Port Hope Health Studies and Public Consultation

20. Members received for information an update from AECB staff on health studies and public consultation in Port Hope, Ontario; reference BMD 00-30. Staff noted that a mechanism to implement a comprehensive public consultative process has been proposed and Health Canada has been approached for joint establishment of an advisory panel to manage all Port Hope health studies. Staff added that they contacted the Mayor of Port Hope for his views on setting up a panel and that he supports the idea. Staff also noted that they have contacted F. More, Port Hope Community Health Concerns Committee, to advise her of progress to date, and that the Health Canada incidence study should be forthcoming within weeks.

Progress Report on Regulatory Overlap and Duplication in Regulating Uranium Mining in Saskatchewan

21. Members received for information a progress report on actions aimed at reducing overlap and duplication in the regulation of uranium mining and milling in Saskatchewan (reference BMD 00-32 and attached letter dated February 15, 2000, from S. Kramer, Deputy Minister, Saskatchewan Environment and Resource Management). P. Marchildon indicated that Saskatchewan government officials were invited to attend today's meeting but decided that the presentation could be made by AECB staff, since Saskatchewan had seen the BMD and agreed with its contents.

P. Marchildon and M. Duncan provided background information on discussions held between AECB and Saskatchewan Government representatives on a process aimed at optimizing the federal and provincial efforts in the regulation of the uranium mining and milling industry in Saskatchewan. They emphasized the recent progress made towards developing the basis of an approach which would take into account the interests and responsibilities of the two levels of government and which would result in a properly integrated and efficient regulatory regime.

AECB staff noted, in particular, that agreement had been reached on the elements of a Memorandum of Understanding (MOU) to be established between the parties, on the composition and terms of reference of a joint committee that will be responsible for carrying out the necessary work and on the time frame that will be required to complete the above-mentioned process. An integral part of this process would be the development of

Saskatchewan-specific regulations which would incorporate appropriate provincial legislation, subject to certain conditions being met. AECB staff indicated that extensive discussion had already taken place between the two parties to ensure a common understanding of these conditions.

AECB staff then referred to Mr. Kramer's letter of February 15 and commented on the commitments requested by the Saskatchewan Government that the process which would include generation of new or modified uranium mines and mills regulations would be carried out diligently and that there would be no undue delay associated with moving the new or modified regulations through the subsequent regulation-making process. AECB staff pointed out that the first commitment could be made by the Board while the regulation-making process would require the involvement of the executive branch of the federal government.

In concluding, AECB staff noted that they and the Saskatchewan representatives had come to the joint conclusion that a good basis is in place which will allow the necessary work to proceed towards a properly integrated regulatory regime for uranium mining in Saskatchewan. They added that they knew of no unresolvable problems which could prevent the two parties from achieving this ultimate objective. They noted that the Saskatchewan Government had proposed the next steps to be taken in this regard in the letter of February 15, 2000, from Mr. Kramer and that, in the AECB staff opinion, this proposal responds positively to the desire of the Board to minimize regulatory overlap and duplication in the uranium mining industry and to see the NSCA brought into force.

During the discussions which followed the presentation by AECB staff, Board members expressed satisfaction that the concerns expressed by the Saskatchewan Government on the question of overlap and duplication in the regulation of uranium mining and milling in Saskatchewan were being addressed.

In answer to questions by Board members, AECB staff confirmed that the two year time frame referred to in Mr. Kramer's letter was seen to be realistic by both parties. Board members remarked that, for the process to be successful, commitments had to be made both by the AECB and the Saskatchewan Government to devote the necessary efforts to it. They requested that that particular point be reflected in the MOU that would be signed by the AECB President and the Minister of Saskatchewan Environment and Resource Management (SERM).

Board members indicated that tracking of progress and setting milestones are important. They also requested that regular progress reports be presented to them at Board (or Commission) meetings on the progress being made in carrying out the work referred to above. Board members suggested that a first progress report should be presented as soon as the milestones of the process have been established, after which a decision would be made concerning the frequency of future reports.

(Continued in item 25)

(The meeting continued in camera at 10:05 a.m.)

Alberta Cancer Board - Cross Cancer Institute (Continued from item 11)

22. Having received and heard the presentation of AECB staff, the Board approved the issuance of an Accelerator Operating Licence to the Alberta Cancer Board, Edmonton, Alberta, for the Cross Cancer Institute, Edmonton, for a four-year period to February 29, 2004.

DECISION

Ratification of Appointment of Secretary (Continued from item 12)

23. The Board ratified the appointment of Mr. George C. Jack as Secretary of the Board in accordance with section 5.7 of the By-laws of the Atomic Energy Control Board.

DECISION

Monserco Limited (Continued from item 13)

24. Having received and heard the presentation of AECB staff, the Board gave initial consideration to the application of Monserco Limited, Brampton, Ontario, for a Waste Management Facility Operating Licence.

INITIAL
CONSIDERATION

Progress Report on Regulatory Overlap and Duplication in Regulating Uranium Mining in Saskatchewan(Continued from item 21)

25. Having received and heard the presentation of AECB staff, which included reference to correspondence from S. Kramer, Deputy Minister, Saskatchewan Environment and Resource Management, Members affirmed the AECB's continuing support for reducing overlap and duplication and for cooperation with provincial governments and other regulators. Members expressed strong support for the development of a harmonized regime for the regulation of uranium mining and milling in the province of Saskatchewan,

including the development of a Saskatchewan-specific regulation that would incorporate appropriate Saskatchewan legislation. The Board directed staff to negotiate, and authorized the President to enter into, a Memorandum of Understanding with the Minister of Saskatchewan Environment and Resource Management regarding the development of this harmonized regime, following the process described by AECB staff.

The Board further committed to appropriate AECB resources being made available to allow the process to be completed and begin implementation of the new regime within approximately two years.

DECISION

In addition, the Board requested that milestones be set for completion of the project so that appropriate tracking of progress could be made through regular progress reports to the Board.

ACTION

P. Marchildon

Closing

26. The meeting closed on consensus at 12:30 p.m.

Chair

Recording Secretary

Acting Secretary

ANNEX A / ANNEXE A

BMD	DATE File No / n° de dossier
00-15 Notice of meeting Avis de convocation	2 0 0 0 - 0 1 - 2 1 (1-3-1-5)
00-16 Agenda of the 296th Meeting of the Atomic Energy Control Board to be held in the Public Hearing Room, 14th floor, 280 Slater Street, Ottawa, Ontario, Thursday February 17, 2000 beginning at 8:30 a.m. L'ordre du jour de la 296e réunion de la Commission de contrôle de l'énergie atomique qui se tiendra dans la salle des audiences publiques, au 14e étage du 280, rue Slater, Ottawa (Ontario), le jeudi 17 février 2000, à compter de 8 h 30.	2 0 0 0 - 0 2 - 0 1 (1-3-1-5)
00-16.1 Agenda of the 296th Meeting of the Atomic Energy Control Board to be held in the Public Hearing Room, 14th floor, 280 Slater Street, Ottawa, Ontario, Thursday February 17, 2000 beginning at 8:30 a.m. Update L'ordre du jour de la 296e réunion de la Commission de contrôle de l'énergie atomique qui se tiendra dans la salle des audiences publiques, au 14e étage du 280, rue Slater, Ottawa (Ontario), le jeudi 17 février 2000, à compter de 8 h 30. Mise à jour	2000-02-16 (1 - 3 - 1 - 5)
00-17 Preliminary List of Agenda items for the Board meeting of March 23, 2000 Liste préliminaire des points à l'ordre du jour de la réunion du 23 mars 2000 de la Commission	2000-02-01(1-3-1-5)
00-17.1 Preliminary List of Agenda items for the Board meeting of March 23, 2000 - Update Liste préliminaire des points à l'ordre du jour de la réunion du 23 mars 2000 de la Commission - Mise à jour	2000-02-16 (1 - 3 - 1 - 5)
00-18 Minutes of Board Meeting held January 20, 2000 Procès-verbal de la réunion de la Commission du 20 janvier 2000	2000-01-31(1-3-1-5)
00-19 Business arising from previous Atomic Energy Control Board meetings Suvis des réunions précédentes de la Commission de contrôle de l'énergie atomique	2000-02-01(1-3-1-5)

00-20	2000-02-01(1-3-1-5)
Significant Development Report No. 2000-2 Rapport des faits saillants n° 2000-2	
00-20.1	2000-02-16 (1 - 3 - 1 - 5)
Significant Development Report No. 2000-2 - Update Rapport des faits saillants n° 2000-2 - Mise à jour	
00-21	2000-02-01(2400-6-2)
Status of Legal Issues État des questions juridiques	
00-22	2000-02-01(29-1-20-5-0)
Alberta Cancer Board (Cross Cancer Institute): Particle Accelerator Nuclear Facility Operating Licence Alberta Cancer Board (Cross Cancer Institute) : Permis d'exploitation d'une installation nucléaire d'accélérateur de particules	
00-23	2000-02-01(37-22-0-0)
Monserco Limited: Radioactive Waste Management Facility Operating Licence Monserco Limited: Permis d'exploitation d'installation de gestion de déchets radioactifs	
00-24	2000-02-01(15-1-12939)
Follow-up Report Regarding Regulatory Actions at the University Health Network in Toronto, Ontario Rapport d'étape sur les mesures réglementaires au University Health Network de Toronto (Ontario)	
00-25	2000-01-28(15-1-11001)
Follow-up Report Regarding Extremity Dosimeter Exceeding Regulatory Limit for MDS Nordion Inc. Worker Rapport d'étape sur la lecture d'un dosimètre d'extrémités excédant la limite réglementaire pour un travailleur de MDS Nordion Inc.	
00-26	2000-01-24(1-1-17-0)
Status Report on Stolen Nuclear Gauge in Toronto, November 15, 1999 Rapport provisoire sur le vol d'une jauge nucléaire à Toronto le 15 novembre 1999	
00-27	2000-02-01(1-1-17-3)
Static Eliminator Found at a Landfill Site in Thunder Bay, Ontario Éliminateur d'électricité statique trouvé dans un dépotoir à Thunder Bay (Ontario)	

- 00-28 2000-02-01(37-10-0-0)
Information on Air Travel Exclusion Corridor above the Gentilly Nuclear Power Station Site
Information sur la zoned'exclusion aérienne au-dessus de la centrale nucléaire de Gentilly
- 00-29 2000-02-01(36-3-1-0)
Follow-up to the Board's directions concerning Port Hope issues
Suite aux directives de la Commission concernant le dossier de Port Hope
- 00-30 2000-01-31(34-7-225-2,
24-7-574-1, 34-7-536-1,
34-7-565-1, 34-7-566-1)
Port Hope Health Studies and Public Consultation
Études et consultation publique sur la santé concernant Port Hope
- 00-31 2000-02-01(1-3-1-5, 1-1-0-1)
Record of Approval pursuant to Atomic Energy Control Board By-Law 5.7: Ratification of Appointment
of Secretary of the Board
Approbation en vertu de l'article 5.7 des Statuts de la Commission de contrôle de l'énergie atomique :
Ratification de la nomination du secrétaire de la Commission
- 00-32 2000-02-16(1-22-6-0, 20-1-18-5)
Progress Report on Actions Aimed at Reducing Overlap and Duplication in the Regulation of Uranium
Mining in Saskatchewan
Rapport d'étape sur les dispositions visant à réduire les chevauchements et les dédoublements dans la
réglementation des mines d'uranium en Saskatchewan