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# Administrative Monetary Penalties Regulations (Canadian Nuclear Safety Commission)

*Statutory authority*

*Nuclear Safety and Control Act*

*Sponsoring agency*

Canadian Nuclear Safety Commission

## REGULATORY IMPACT ANALYSIS STATEMENT

*(This statement is not part of the Regulations.)*

### 1. Executive summary

**Description:** On June 29, 2012, the Government of Canada's *Jobs, Growth and Long-term Prosperity Act* received Royal Assent. Included in this bill is the Government's Responsible Resource Development initiative. This initiative establishes a comprehensive plan to support the creation of jobs, economic growth, and long-term prosperity by streamlining the regulatory regime for major energy and resource projects while strengthening Canada's world-class protection of the environment for future generations of Canadians.

As part of the Responsible Resource Development initiative, the Canadian Nuclear Safety Commission (CNSC) is proposing the *Administrative Monetary Penalties Regulations (Canadian Nuclear Safety Commission)* [AMP Regulations] to strengthen environmental protection and to increase compliance with the *Nuclear Safety and Control Act* (NSCA) and its regulations.

The CNSC has a number of tools to enforce compliance. Examples include orders, licence revocations and prosecution. The selected enforcement tool depends on the severity and risk posed by the act of non-compliance. An administrative monetary penalty (AMP) system provides the CNSC with an additional tool to address non-compliance.

Administrative monetary penalties are issued to address violations. To implement an AMP system, the CNSC must develop regulations that establish what acts of non-compliance will be designated as violations, how the penalties will be calculated, and how the relevant documents will be served.

**Cost-benefit statement:** The introduction of the AMP Regulations benefits the Canadian public by allowing the CNSC to enforce requirements using an administrative process rather than resorting to prosecution in the courts. Judicial proceedings often result in considerable costs to the federal government and to the individual and/or corporation involved, and may be too harsh a tool to utilize except in extreme circumstances.

The amendments to the NSCA in 2012 ensure that individuals and corporations subject to an AMP will have the right to apply to have the AMP reviewed. The review process is

less formal than court proceedings.

Prosecution is generally lengthy and costly for all parties. An AMP system is relatively inexpensive to administer within an existing compliance program, and it normally results in more timely and effective enforcement than prosecution. As a result, the individual or corporation may present a case without needing a lawyer.

It is estimated that a one-time cost for program-specific operating expenditures (procedures, manuals, training and outreach) will be less than \$300,000. However, the cost for implementing and managing the program will be integrated into the existing compliance and enforcement regime by utilizing existing resources and therefore will have no impact on fees.

Finally, the implementation of an AMP system will provide for a more robust and effective compliance and enforcement regime that results in higher levels of compliance and reduced risk to the health and safety and security of Canadians and their environment.

**“One-for-One” Rule and small business lens:** The “One-for-One” Rule and the small business lens do not apply to this proposal, as there is no change in administrative burden, nor any incremental costs imposed on small businesses that comply with the NSCA and its regulations.

**Performance measurement and evaluation:** The CNSC evaluation function has been established in accordance with the Treasury Board Policy on Evaluation (April 2009). Compliance and enforcement activities will be evaluated as per the CNSC Evaluation Plan 2012–2017.

## 2. Background

On June 29, 2012, the NSCA was amended to provide the CNSC with a framework for an AMP system. The amendments to the NSCA were part of the Government of Canada’s Responsible Resource Development initiative, the purpose of which was to provide the CNSC with an additional enforcement tool that could be used to strengthen environmental protection and to increase compliance with the NSCA and its regulations.

The CNSC regulates the use of nuclear energy and materials to protect the health, safety and security of the public and the environment, and to implement Canada’s international commitments on the peaceful use of nuclear energy. The CNSC holds those it regulates accountable for complying with the regulatory requirements that have been established in the NSCA or other legally binding instruments established under the authority of the NSCA, such as regulations and licences.

The CNSC has a number of tools to enforce compliance, including orders, licence revocations, and prosecution. The selected enforcement tool depends on the severity and risk posed by the act of non-compliance. Under the NSCA, a person who commits an offence is subject to prosecution in the courts. If convicted, punishment for an offence may include a fine and/or imprisonment.

Unlike prosecution, an AMP is a monetary penalty that is imposed for violations of regulatory requirements. The maximum monetary penalties under the proposed AMP system are significantly less than the maximum allowed amount under the NSCA. An AMP system simply provides the CNSC with an additional tool to address non-compliance.

## 3. Objectives

The recent changes to the NSCA prescribe many details regarding maximum penalties, rules about violations, the review process available to those to whom an AMP has been issued, public disclosure, and the recovery of penalties. To fully implement the AMP system, the CNSC is

proposing regulations setting out the list of violations that will be subject to AMPs under the NSCA, the method and criteria by which the penalty amounts will be determined, and the manner in which notices of violations must be served for legal purposes.

#### 4. Description

##### 4.A. Designation of provisions subject to administrative monetary penalties

The proposed AMP Regulations establish a schedule (the Schedule) that clearly sets out which provisions of the NSCA and its regulations will be designated as violations for the purposes of the AMP system. Column 1 of the Schedule identifies the section, subsection or paragraph of the NSCA or the regulations for which an AMP may be issued. Column 2 contains a short-form description of the violation. Column 3 contains a classification of the violation (A, B or C) that establishes the penalty range for the violation.

It should be noted that although any designated violation is subject to an AMP, other enforcement tools may be preferred for assuring compliance. Once established, the CNSC will integrate the AMPs into the CNSC's graduated enforcement policy as an additional enforcement tool. Guidance to CNSC staff on when to use each enforcement tool will be established in amendments to the CNSC's graduated enforcement policy. Information on the implementation of the AMP system, including guidelines on enforcement to ensure consistent application of the AMP tool under a range of circumstances, is available on the CNSC's Web site and upon request.

##### 4.B. Determination of the penalty amount

###### 4.B.1 Penalty ranges

The NSCA prescribes that the maximum penalty shall not be more than \$25,000 for an individual and \$100,000 for any other person (corporation).

The proposed AMP Regulations classify violations into three general categories, designated as A, B and C in these Regulations. The purpose of the categories is to associate the penalty value of a violation with its level of regulatory significance, while considering the health and safety of Canadians and their environment. Each category will have a baseline penalty (minimum penalty) that will be evaluated based on aggravating or mitigating factors.

<b>Category A</b> Individual \$300–\$3,000	<b>Category A</b> Corporation \$1,000–\$12,000
<b>Category B</b> Individual \$300–\$10,000	<b>Category B</b> Corporation \$1,000–\$40,000
<b>Category C</b> Individual \$300–\$25,000	<b>Category C</b> Corporation \$1,000–\$100,000

###### 4.B.2 Criteria for establishing penalties

For each case, determining the penalty amount will begin with identifying the violation and its associated category. Once the category and its related monetary penalty range are identified, the penalty amount will be determined, using a graded approach — that is, escalating the penalty amount by taking into consideration the following aggravating factors, set out in section 5 of the proposed Regulations:

- the compliance history of the person who committed the violation;
- the degree of intention or negligence on the part of the person;
- the harm that resulted or could have resulted from the violation;
- whether the person derived any competitive or economic benefit from the violation;
- whether the person made reasonable efforts to mitigate or reverse the violation's effects; and
- whether the person provided all reasonable assistance to the Commission.

If there are no aggravating factors, then the baseline penalty amount (minimum penalty) will be applied and a notice of violation issued.

#### *4.C. Service of documents*

The proposed Regulations address how AMP notices may be served to an individual or corporation. These notices include the issuance and service of a notice of violation of a provision and the determination referred to in section 65.13 of the NSCA.

Section 6 of the proposed Regulations also authorizes service by way of personal delivery, registered mail, courier, fax or other electronic means. These various means of service are consistent with emerging court practices for service of documents, including the use of modern technologies.

It is important to note the date on which the notice of violation is deemed served is the date on which the 30-day period to request a review begins.

### **5. Consultation**

On August 15, 2012, the CNSC issued discussion paper DIS-12-05, *Administrative Monetary Penalties*, for a 30-day comment period. The purpose of the discussion paper was to seek input from stakeholders and the general public on the CNSC's proposal for the AMP system set out in the recent amendments to the NSCA. An invitation to comment on the discussion paper was posted on the CNSC's Web site, a notification was posted on the CNSC's Facebook page, and an information bulletin was forwarded to the CNSC's stakeholders. Notice of the consultation was also posted on the Government of Canada's "Consulting with Canadians" Web site.

The CNSC received 49 submissions from stakeholders. On September 28, 2012, the CNSC posted all these comments on its Web site and invited stakeholders to provide additional comments on them for a 15-day period. Four additional comments were received, all consistent with those submitted during the initial consultation period.

The comments came from a broad range of stakeholders representing nuclear power plant operators, uranium mining companies, research institutions and industry associations. No comments were received from non-governmental organizations or Aboriginal groups.

In general, stakeholders expressed concerns about the application of the AMP Regulations and the financial impact on businesses and the nuclear-regulated industry as a whole. Other concerns are summarized below.

*How an AMP system will be used in the context of the CNSC enforcement and compliance framework*

It is important to note that not all violations will result in the issuance of an AMP. As noted above, the CNSC has a number of tools to assure compliance. Examples include orders, licence revocations, and prosecution. The selected enforcement tool depends on the severity and risk posed by the act of non-compliance. Once the AMP system is established, the CNSC will use AMPs as an additional enforcement tool to assure compliance, and the new tool will be integrated into the CNSC's graduated enforcement policy. Guidance to CNSC staff on when to use each enforcement tool will be established in a graduated enforcement policy. Information on the implementation of the AMP system is available on the CNSC's Web site and upon request.

#### *Greater clarity regarding the violations that are subject to an AMP and the amount of the AMP*

There were several requests for clarification on the nature of the violations that will be subject to an AMP and the range of penalties that would apply to those violations. This issue is addressed in the proposed AMP Regulations. The Schedule to the Regulations lists all the violations of the NSCA and the regulations under the Act that are subject to an AMP. The categories define the penalty range for each violation listed in the Schedule.

#### *Criteria for determining factors affecting an AMP*

Suggestions were provided on the criteria that could be used when calculating an AMP. It was suggested that both mitigating and aggravating factors should influence the amount of an AMP. For example, mitigating factors influencing a lower penalty amount could include prompt notification and corrective actions, first-time offences, self-identified violations, low-risk violations, compliance agreements and compliance history. Aggravating factors influencing a higher penalty amount could include gross negligence or wilfulness, multiple or ongoing violations, high-risk violations and a history of non-compliance.

The criteria in the proposed Regulations allow for the inclusion of mitigating and aggravating factors at the program level. The CNSC will also take mitigating factors into account, both before deciding to issue an AMP in the context of the graduated enforcement policy and when assessing the AMP, if the AMP tool is chosen. As noted above, penalties will be assessed from the baseline penalty and adjusted accordingly, based on aggravating factors.

#### *Public disclosure of an AMP*

It was suggested that an AMP issued to a company or individual not be publicly disclosed until the entire AMP process, including any appeal requested by the person, is complete. The timing of public notification is not an issue that is addressed in the Regulations; the CNSC will apply its practice for public disclosure as per other regulatory action.

#### *Legislation*

Several questions were received about the components of the AMP system that are prescribed in the NSCA. There is no scope in the regulatory process to address concerns already embedded in legislation. However, the issues raised, including the expressed disallowance of due diligence as a defence, the time limit to issue an AMP, reviews, maximum and minimum penalty amounts and the burden of proof provisions, are in line and consistent with other AMP systems administered by other government departments and agencies.

#### *Business impacts*

Several comments were received on how the AMP system may impact businesses. Common potential issues raised were the financial impact on businesses, potential to dissuade people from

working in the industry, barriers to entry, and loss of competitive advantage. The CNSC notes that licensees who are in compliance with the NSCA and its regulations will not be impacted by the AMP Regulations. Therefore, there will be no financial impact on their businesses. In addition, the AMP Regulations do not identify any new violations and will not, therefore, create any additional barriers to entry or competitive disadvantages.

### *Cross-jurisdictional issues*

Several comments were received expressing concerns over the potential for AMPs being issued by multiple regulators for one incident. There is a potential for other jurisdictions, such as a province or another federal regulatory body, to issue an AMP for a single incident. However, the CNSC will take these impacts into consideration when choosing the appropriate compliance and enforcement tool.

### *Length of consultation period*

Several requests for an extension of the pre-consultation period for discussion paper DIS-12-05 were received, and many comments noted that the consultation period for the paper was too short. The CNSC noted, though, that the discussion paper was but the first step in the public consultation process for the AMP Regulations. The discussion paper was intended to provide early notification to stakeholders of the CNSC's intention to make regulations to put its AMP system into effect and to obtain early input regarding the proposal. The CNSC took the input from stakeholders into account when finalizing these draft Regulations. Stakeholders will have a further opportunity to comment on the draft Regulations when prepublished in the *Canada Gazette*, Part I, and the CNSC will also consider any additional comments at that stage before finalizing the AMP Regulations.

## **6. Cost-benefit statement**

The introduction of the *Administrative Monetary Penalties Regulations (Canadian Nuclear Safety Commission)* benefits the Canadian public by allowing the CNSC to enforce requirements using an administrative process rather than resorting to prosecution in the courts. Judicial proceedings often result in considerable costs to the Government of Canada and to the individual and/or corporation involved, and may be too harsh a tool to utilize except in extreme circumstances. Prosecution is also often lengthy for all parties.

Individuals and corporations subject to an AMP will have the right to apply to have the AMP reviewed. The review process is less formal than court proceedings.

An AMP system is relatively inexpensive to administer within an existing compliance program, and it normally results in more timely and effective enforcement than prosecution. As a result, the individual or corporation may present a case without needing a lawyer.

There is a nominal cost to establishing an AMP system. However, the cost for implementing and managing the program will be integrated into the existing compliance and enforcement regime utilizing existing resources.

## **7. "One-for-One" Rule**

The "One-for-One" Rule, as set out in the Cabinet Directive on Regulatory Management, does not apply to this proposal, as there is no change in administrative burden.

## **8. Small business lens**

The small business lens does not apply to this proposal, as no incremental costs will be imposed

on small businesses that comply with the NSCA and its regulations.

## **9. Rationale**

The CNSC's mandate is to regulate nuclear facilities and nuclear activities in Canada in order to ensure the protection of the health and safety of Canadians, their environment and nuclear security, and to ensure that Canadians and Canadian companies comply with Canada's international obligations regarding the peaceful use of nuclear energy and nuclear substances.

The AMP system is an additional enforcement tool to promote compliance with the nuclear regulatory requirements; it is generally less onerous and less costly than prosecution in Canadian courts for offences under the NSCA. An AMP system is relatively inexpensive to administer within an existing compliance program and will result in more timely and effective enforcement than prosecution. AMPs are intended to serve as a credible deterrent.

## **10. Implementation and enforcement**

The proposed AMP Regulations do not add any new requirements; they simply create an additional system for enforcing the NSCA and its regulations. Therefore, the AMP system will be integrated into the CNSC's existing graduated enforcement policy.

While the CNSC may use an AMP to deal with violations of the NSCA and its regulations, an AMP is just one of the CNSC's enforcement tools. Other tools include prosecution in the criminal courts, orders, licence revocations, and warnings. Which tool to be used in any particular instance will depend upon the recommendations of the inspector and the decisions of the designated officer in accordance with the CNSC's graduated enforcement policy.

In all cases, the enforcement response by the CNSC will be tailored to achieve both compliance and deterrence. AMPs will generally be imposed only where other tools cannot achieve that objective.

The CNSC's AMP system will be phased in, so as to allow the CNSC to build increased awareness amongst nuclear stakeholders about the program. The phased-in approach will also allow time to appoint and train CNSC staff, inspectors and designated officers on the system and to communicate the CNSC policies and procedures for implementing and using AMPs.

## **11. Performance measurement and evaluation**

The CNSC evaluation function has been established in accordance with the Treasury Board Policy on Evaluation (April 2009). Compliance and enforcement activities will be evaluated as per the CNSC Evaluation Plan 2012–2017.

## **12. Contact**

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## **PROPOSED REGULATORY TEXT**

Notice is given that the Canadian Nuclear Safety Commission, pursuant to subsection 44(1) ([see footnote a](#)) of the *Nuclear Safety and Control Act* ([see footnote b](#)), proposes to make the annexed *Administrative Monetary Penalties Regulations (Canadian Nuclear Safety Commission)*.

Interested persons may make representations concerning the proposed Regulations within 30 days after the date of publication of this notice. All such representations must cite the *Canada Gazette*, Part I, and the date of publication of this notice, and be addressed to Mark Dallaire, Director General, Regulatory Policy Directorate, Canadian Nuclear Safety Commission, P.O. Box 1046, Station B, Ottawa, Ontario K1P 5S9 (tel.: 613-947-3728; fax: 613-995-5086; email: Mark.Dallaire@cnsccsn.gc.ca).

Ottawa, February 7, 2013

JURICA ČAPKUN  
*Assistant Clerk of the Privy Council*

## **ADMINISTRATIVE MONETARY PENALTIES REGULATIONS (CANADIAN NUCLEAR SAFETY COMMISSION)**

### INTERPRETATION

#### Definition of "Act"

1. In these Regulations, "Act" means the *Nuclear Safety and Control Act*.

### DESIGNATIONS

#### Violations

2. (1) The contravention of a provision of the Act or any of its regulations that is set out in column 1 of the schedule is designated as a violation that may be proceeded with in accordance with sections 65.01 to 65.21 of the Act.

#### Short-form descriptions

- (2) In the event of a discrepancy between the short-form descriptions in the schedule and the provision to which it pertains, the provision prevails.

### CLASSIFICATION

#### Classification

3. The classification of a violation of a provision that is set out in column 1 of the schedule as a Category A, Category B or Category C violation is as set out in column 3.

### PENALTIES

#### Individual

4. (1) The amount payable as the penalty in respect of a violation that is committed by an individual is

- (a) \$300 to \$3,000, for a Category A violation;
- (b) \$300 to \$10,000, for a Category B violation; and
- (c) \$300 to \$25,000, for a Category C violation.

### Person other than an individual

(2) The amount payable as the penalty in respect of a violation that is committed by a person other than an individual is

- (a) \$1,000 to \$12,000, for a Category A violation;
- (b) \$1,000 to \$40,000, for a Category B violation; and
- (c) \$1,000 to \$100,000, for a Category C violation.

### Determination of amount

**5.** The amount of a penalty is determined by the Commission having regard to

- (a) the compliance history of the person who committed the violation;
- (b) the degree of intention or negligence on the part of the person;
- (c) the harm that resulted or could have resulted from the violation;
- (d) whether the person derived any competitive or economic benefit from the violation;
- (e) whether the person made reasonable efforts to mitigate or reverse the violation's effects; and
- (f) whether the person provided all reasonable assistance to the Commission.

## SERVICE OF DOCUMENTS

### Manner of service

**6.** (1) A notice of violation referred to in section 65.05 of the Act and a determination referred to in section 65.13 of the Act shall be served by

- (a) in the case of an individual,
  - (i) leaving a copy of it with the individual,
  - (ii) leaving a copy of it with someone who appears to be an adult member of the same household at the individual's last known address or usual place of residence, or
  - (iii) sending a copy of it by registered mail, courier, fax or other electronic means to the individual's last known address or usual place of residence; and
- (b) in the case of any other person,
  - (i) sending a copy of it by registered (i) mail, courier or fax to the person's head office or place of business or to the person's agent;
  - (ii) leaving a copy of it at the person's head office or place of business with an individual who appears to manage or be in control of the head office or place of business or with the person's agent; or

(iii) sending a copy of it by electronic means, other than by fax, to any person referred to in subparagraph (ii).

#### Deemed service

(2) A document that is served by registered mail is deemed to be served on the 10th day after the day on which it was mailed.

#### Proof of service

(3) Proof of service is

(a) in the case of a document transmitted by fax, the proof of transmission produced by the fax machine that sets out the date and time of transmission; or

(b) in any other case, an acknowledgment of service signed by or on behalf of the person served, specifying the date and place of service.

### COMING INTO FORCE

S.C. 2012, c. 19

**7.** These Regulations come into force on the day on which section 129 of the *Jobs, Growth and Long-term Prosperity Act* comes into force, but if they are registered after that day, they come into force on the day on which they are registered.

### SCHEDULE (sections 2 and 3)

#### VIOLATIONS

#### PART 1

#### NUCLEAR SAFETY AND CONTROL ACT

	Column 1	Column 2	Column 3
Item	Provision	Short-form Description	Category
1.	26	Carrying on a prescribed activity without or contrary to a licence	B
2.	27(a)	Failure to properly keep, retain or disclose prescribed records	A
3.	27(b)	Failure to make prescribed reports and file them in the prescribed manner	A
4.	36	Failure to assist an inspector in carrying out their duties	B

5.	41	Failure to comply with an order within the time specified	B
6.	45	Failure to notify the Commission when a place or vehicle is contaminated or when an event has occurred that is likely to result in an exposure	B
7.	48(a)	Alteration or misuse of things, otherwise than pursuant to the regulations and licence	B
8.	48(b)	Disclosure of prescribed information, except pursuant to the regulations	A
9.	48(c)	Failure to comply with a condition of a licence	C
10.	48(d)	Making a false or misleading statement	B
11.	48(e)	Failure to comply with an order of the Commission, a designated officer or an inspector	C
12.	48(f)	Failure to assist or give information requested by an inspector, or interfering with the inspector's duties	C
13.	48(g)	Taking disciplinary action against a person who assists or gives information to the Commission, designated officer or inspector	B
14.	48(h)	Terminating or varying the terms of employment of a nuclear energy worker who has exceeded their radiation dose limit, except in the prescribed manner and circumstances	B
15.	48(i)	Falsifying a record	B
16.	48(j)	Failure to comply with an order of a court	C
17.	49(a)	Failure to ensure required staff is present to maintain a nuclear facility in a safe condition	B
18.	49(b)	Failure to report for duty or withdrawal of services other than in accordance with procedures	B
19.	50	Possession of nuclear substance, or prescribed information or equipment, capable of being used for nuclear weapons or explosive devices	C

## PART 2

## GENERAL NUCLEAR SAFETY AND CONTROL REGULATIONS

Item	Column 1 Provision	Column 2 Short-form Description	Column 3 Category
1.	12(1)(a)	Failure to ensure the presence of a sufficient number of qualified workers to carry out the licensed activity	B
2.	12(1)(b)	Failure to train workers to carry on the licensed activity, as required	B
3.	12(1)(c)	Failure to take all reasonable precautions to protect the environment and the health and safety of persons and to maintain security	B
4.	12(1)(d)	Failure to provide and maintain required devices	B
5.	12(1)(e)	Failure to require use of equipment, devices, clothing or procedures, as required	B
6.	12(1)(f)	Failure to take reasonable precautions to control release of radioactive nuclear substances or hazardous substances	B
7.	12(1)(g)	Failure to implement measures to be alerted to the illegal use or removal of a nuclear substance or prescribed information or equipment, or the illegal use of a nuclear facility	B
8.	12(1)(h)	Failure to implement measures to be alerted of sabotage or attempted sabotage	B
9.	12(1)(i)	Failure to take measures to facilitate Canada's compliance with any safeguards agreement	B
10.	12(1)(j)	Failure to instruct workers on physical security program and their obligations	B
11.	12(1)(k)	Failure to keep the <i>Nuclear Safety and Control Act</i> and regulations available to workers	B
12.	12(2)	Failure to file a report responding to a Commission request	B

within the specified time and with the prescribed information

- |     |            |                                                                                                                                                                                                                                                 |   |
|-----|------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|
| 13. | 13         | Transfer of a nuclear substance, prescribed information or prescribed equipment to a person who does not hold the required licence                                                                                                              | B |
| 14. | 14(1)(a)   | Failure to post copy of licence                                                                                                                                                                                                                 | A |
| 15. | 14(1)(b)   | Failure to post notice                                                                                                                                                                                                                          | A |
| 16. | 14(2)      | Failure to have copy of licence in field                                                                                                                                                                                                        | A |
| 17. | 15(a)      | Failure of applicant or licensee to notify the Commission of the persons acting for them                                                                                                                                                        | A |
| 18. | 15(b)      | Failure of applicant or licensee to notify the Commission of the persons responsible for the management and control of the activity, substance, facility, equipment or information encompassed by licence                                       | A |
| 19. | 15(c)      | Failure of applicant or licensee to notify the Commission on time about change in contact persons or responsible persons                                                                                                                        | A |
| 20. | 16         | Failure to make health and safety information available to workers, as required                                                                                                                                                                 | B |
| 21. | 17(a)      | Failure of worker to properly use equipment, devices, facilities and clothing                                                                                                                                                                   | B |
| 22. | 17(b)      | Failure of worker to comply with licensee's measures to protect the environment and the health and safety of persons, maintain security, control radiation doses and levels and control releases of nuclear substances and hazardous substances | B |
| 23. | 17(c)(i)   | Failure of worker to promptly inform licensee or supervisor of increase in risk to the environment or health and safety of persons                                                                                                              | B |
| 24. | 17(c)(ii)  | Failure of worker to promptly inform licensee or supervisor of threat to maintenance of nuclear facility or substances or an incident with respect to security                                                                                  | B |
| 25. | 17(c)(iii) | Failure of worker to promptly inform licensee or supervisor of non-compliance with the <i>Nuclear Safety and Control Act</i> , its regulations or licence                                                                                       | B |

- |     |           |                                                                                                                                                                               |   |
|-----|-----------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|
| 26. | 17(c)(iv) | Failure of worker to promptly inform licensee or supervisor of sabotage, theft, loss or illegal use or possession of nuclear substance or prescribed information or equipment | B |
| 27. | 17(c)(v)  | Failure of worker to promptly inform licensee or supervisor of release of radioactive nuclear substances or hazardous substances                                              | B |
| 28. | 17(d)     | Failure of worker to obey notices and warning signs                                                                                                                           | B |
| 29. | 17(e)     | Failure of worker to take all reasonable precautions to ensure safety                                                                                                         | B |
| 30. | 18        | Failure to present an import or export licence to customs officer                                                                                                             | B |
| 31. | 23(1)     | Transfer or disclosure of prescribed information without legal requirement or to an unauthorized person                                                                       | B |
| 32. | 23(2)     | Failure to take precautions to prevent unauthorized transfer or disclosure of prescribed information                                                                          | B |
| 33. | 27        | Failure to keep record of licence information submitted to the Commission                                                                                                     | A |
| 34. | 28(1)     | Failure to retain record for the period specified                                                                                                                             | A |
| 35. | 28(2)     | Improper disposal of a record                                                                                                                                                 | A |
| 36. | 28(3)     | Failure to file a requested record with the Commission prior to disposal of that record                                                                                       | A |
| 37. | 29(1)     | Failure to immediately make a preliminary report to the Commission of a specified situation and of actions taken by the licensee                                              | B |
| 38. | 29(2)     | Failure to file full report on time and with the prescribed information                                                                                                       | A |
| 39. | 30(1)(a)  | Failure to immediately make a preliminary report to the Commission on interference with or interruption in operation of safeguards equipment or alteration of safeguards seal | B |
| 40. | 30(1)(b)  | Failure to immediately make a preliminary report to the                                                                                                                       | B |

Commission on theft, loss or sabotage of safeguards  
equipment or samples

41.	30(2)	Failure to file full report within the specified period and with the prescribed information	A
42.	31	Failure to file a report with the Commission within the specified period of an inaccuracy or incompleteness in a record that the licensee is required to keep	A
43.	32(1)	Failure to include name and address of sender or date in report	A

## PART 3

## RADIATION PROTECTION REGULATIONS

Item	Column 1 Provision	Column 2 Short-form Description	Column 3 Category
1.	3	Failure to inform therapy patients of methods for reducing the exposure of others to radiation	B
2.	4(a)(i)	Failure to keep exposure to radiation to persons as low as reasonably achievable through the implementation of management control over work practices	B
3.	4(a)(ii)	Failure to keep exposure to radiation to persons as low as reasonably achievable through the implementation of personnel qualification and training	B
4.	4(a)(iii)	Failure to keep exposure to radiation to persons as low as reasonably achievable through the implementation of control of occupational and public exposure to radiation	B
5.	4(a)(iv)	Failure to keep exposure to radiation to persons as low as reasonably achievable through the implementation of planning for unusual situations	B
6.	4(b)	Failure to ascertain the quantity and concentration of nuclear substance released as a result of a licensed activity	B
7.	5	Failure to ascertain and record as required	B

8.	6(2)(a)	Failure to conduct an investigation after becoming aware that action level is reached	B
9.	6(2)(b)	Failure to identify and take action to restore the effectiveness of the radiation protection program after becoming aware that action level is reached	B
10.	6(2)(c)	Failure to notify the Commission within the specified period after becoming aware that action level is reached	B
11.	7(1)(a)	Failure to inform nuclear energy workers in writing that they are nuclear energy workers	A
12.	7(1)(b)	Failure to inform nuclear energy workers in writing of the risks associated with exposure to radiation	A
13.	7(1)(c)	Failure to inform nuclear energy workers in writing of the effective and equivalent dose limits	A
14.	7(1)(d)	Failure to inform nuclear energy workers in writing of their radiation dose levels	A
15.	7(2)	Failure to inform female nuclear energy workers in writing of the rights and obligations of pregnant nuclear energy workers	B
16.	7(3)	Failure to obtain written acknowledgement from nuclear energy workers that the specified information was received	A
17.	8	Failure to use licensed dosimetry service to measure doses of radiation received by nuclear energy workers	B
18.	9	Failure to inform person of purpose for collecting their personal information	A
19.	10	Failure of a nuclear energy worker to provide the specified information at request of the licensee	A
20.	11(1)	Failure of female nuclear energy worker to immediately notify the licensee in writing upon becoming aware of pregnancy	A
21.	11(2)	Failure to accommodate pregnant nuclear energy worker	B
22.	13	Failure to ensure that the effective dose limit is not	C

exceeded

23.	14	Failure to ensure that the equivalent dose limit is not exceeded	C
24.	15	Failure to limit doses during an emergency and the consequent immediate and urgent remedial work	B
25.	16(a)	Failure to immediately notify person and the Commission after a dose limit is exceeded	B
26.	16(b)	Failure to require the person to leave any work that is likely to add to the dose after a dose limit is exceeded	B
27.	16(c)	Failure to conduct an investigation after a dose limit is exceeded	B
28.	16(d)	Failure to take action to prevent similar incidents after a dose limit is exceeded	B
29.	16(e)	Failure to report the results of the investigation on the exceeded dose limit to the Commission within the specified period	B
30.	19	Failure of licensee operating a dosimetry service to file information on nuclear energy workers with the National Dose Registry	A
31.	20(1)	Possession of container or device containing a radioactive nuclear substance without proper labelling	B
32.	21	Failure to post radiation warning signs	B
33.	22	Use of improper radiation warning symbol	A
34.	23	Frivolous posting of radiation warning signs	A
35.	24	Failure to keep record of the name and job category of each nuclear energy worker	B

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PART 4

CLASS I NUCLEAR FACILITIES REGULATIONS

	Column 1	Column 2	Column 3
Item	Provision	Short-form Description	Category
1.	14(1)	Failure to keep record of the results of effluent and environmental monitoring programs	A
2.	14(2)	Failure to keep operation record	A
3.	14(3)	Failure to keep decommissioning record	A
4.	14(4)	Failure to retain record for the specified period	A
5.	14(5)	Failure to retain record relating to a nuclear energy worker for the specified period	A

## PART 5

## CLASS II NUCLEAR FACILITIES AND PRESCRIBED EQUIPMENT REGULATIONS

	Column 1	Column 2	Column 3
Item	Provision	Short-form Description	Category
1.	10(a)	Use of uncertified Class II prescribed equipment	B
2.	10(b)	Failure to use Class II prescribed equipment in accordance with a licence	B
3.	15(2)(a)	Failure to equip entrance door to Class II prescribed equipment room with device that stops the equipment when door is opened	B
4.	15(2)(b)	Failure to equip entrance door to Class II prescribed equipment room with device that prevents the equipment from being used	B
5.	15(2)(c)	Failure to design entrance door to Class II prescribed equipment room to prevent persons from being locked in	B
6.	15(3)(a)	Failure to equip entrance to Class II prescribed equipment	B

room with device that stops the equipment when someone passes through the entrance

- |     |          |                                                                                                                               |   |
|-----|----------|-------------------------------------------------------------------------------------------------------------------------------|---|
| 7.  | 15(3)(b) | Failure to equip entrance to Class II prescribed equipment room with device that prevents the equipment from being used       | B |
| 8.  | 15(4)    | Failure to equip room where Class II prescribed equipment that is used on persons is located with a viewing system            | B |
| 9.  | 15(5)    | Failure to equip entrance to Class II prescribed equipment room with an irradiation state display                             | B |
| 10. | 15(6)    | Failure to equip room where Class II prescribed equipment is located with an area radiation monitoring system, as required    | B |
| 11. | 15(7)    | Failure to equip room where Class II prescribed equipment that is not used on persons is located with a pre-irradiation alarm | B |
| 12. | 15(8)    | Failure to equip room where Class II prescribed equipment is located with emergency stop buttons or devices                   | B |
| 13. | 15(9)    | Failure to provide emergency stop buttons or devices that are unobstructed and accessible                                     | B |
| 14. | 15(10)   | Failure to provide emergency stop buttons or devices in the specified places                                                  | B |
| 15. | 15(11)   | Failure to post emergency contact information at every entrance to a Class II nuclear facility                                | A |
| 16. | 15(12)   | Failure to equip Class II equipment with device to prevent unauthorized use                                                   | B |
| 17. | 15(13)   | Failure to verify normal operation after servicing of device or system                                                        | B |
| 18. | 15.01    | Failure to appoint a radiation safety officer                                                                                 | B |
| 19. | 15.02    | Appointing an uncertified radiation safety officer                                                                            | B |
| 20. | 15.06(2) | Failure to notify the Commission of name of radiation safety officer and Class II prescribed equipment subject to certificate | B |

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|-----|----------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|
| 21. | 15.1           | Failure to designate in writing radiation safety officer as replacement                                                                                                                             | B |
| 22. | 15.11          | Replacing a radiation safety officer for more than the specified period                                                                                                                             | B |
| 23. | 16(1)          | Failure to ascertain that radiation field is safe upon entering a room                                                                                                                              | B |
| 24. | 16(2)          | Failure to verify that radiation survey meter is working immediately before entering a room                                                                                                         | B |
| 25. | 16.1(1)        | Failure to ensure patients are surveyed and free of nuclear substances following treatment using brachytherapy remote afterloader                                                                   | B |
| 26. | 16.1(2)<br>(a) | Failure to equip brachytherapy remote afterloader treatment room with a remote alarm system to warn of treatment interruptions                                                                      | B |
| 27. | 16.1(2)<br>(b) | Failure to equip brachytherapy remote afterloader treatment room with a shielded storage container of sufficient size                                                                               | B |
| 28. | 16.1(2)<br>(c) | Failure to equip brachytherapy remote afterloader treatment room with the necessary remote handling tools                                                                                           | B |
| 29. | 17(1)          | Failure to measure radiation dose rates after installing a sealed source in Class II prescribed equipment or to notify the Commission in writing if dose rate exceeds manufacturer's specifications | B |
| 30. | 17(2)          | Failure to measure dose rates at all accessible locations outside the room after the installation of a sealed source in a radioactive source teletherapy machine                                    | B |
| 31. | 18(1)(a)       | Failure to make available to each worker a calibrated radiation survey meter                                                                                                                        | B |
| 32. | 18(1)(b)       | Failure to make available to each worker a radiation survey meter that can measure radiation from sealed source and Class II prescribed equipment                                                   | B |
| 33. | 18(1)(c)       | Failure to make available to each worker a radiation survey meter that indicates the power level of batteries                                                                                       | B |

34.	18(2)	Use of a radiation survey meter that has not been calibrated within the specified period	B
35.	19(1)	Failure to conduct leak test on sealed source or shielding as required	B
36.	19(2)	Failure to take required action when a leak on a sealed source or shielding is detected	B
37.	20	Use of Class II prescribed equipment on a person without being directed by a qualified medical practitioner	B
38.	21(1)	Failure to keep record of measurements of radiation dose rates and retain record for the specified period	A
39.	21(2)(a)	Failure to keep record of daily outputs of radiation resulting from operation of Class II prescribed equipment	A
40.	21(2)(b)	Failure to keep record of training received by workers	A
41.	21(2)(c)	Failure to keep record of inspections, verifications, servicing, measurements or tests required	A
42.	21(3)	Failure to retain training record for the specified period	A
43.	21(4)	Failure to keep record of transfer of Class II prescribed equipment	A
44.	21(5)	Failure to keep record of leak tests conducted on sealed source or shielding and to retain it for the specified period	A
45.	21(6)	Failure to keep record of measurements of radiation dose rates, as required, and to retain them for the specified period	A
46.	21(7)	Failure to keep servicing record of Class II prescribed equipment	A
47.	21(8)	Failure to retain servicing record for the specified period	A

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PART 6

URANIUM MINES AND MILLS REGULATIONS

	Column 1	Column 2	Column 3
Item	Provision	Short-form Description	Category
1.	9	Failure to post code of practice where it is accessible to all workers in uranium mine or mill	A
2.	10(a)	Failure to establish, implement and maintain written operating procedures	B
3.	10(b)	Failure to train workers to perform their work in accordance with operating procedures	B
4.	10(c)	Failure to audit workers to verify compliance with operating procedures	B
5.	11(a)	Failure to ensure each main fan is equipped with a fan malfunction warning signal device	B
6.	11(b)	Failure to ensure person is designated to receive and respond to main fan failure warning signal	B
7.	11(c)	Failure to implement measures to prevent interference by persons or activities with proper operation of ventilation systems	B
8.	12(1)(a)	Failure to implement alternative measures to protect worker health and safety when ventilation system malfunctions	B
9.	12(1)(b)	Failure to ensure that only work necessary to restore ventilation system is performed in work place when ventilation system malfunctions	B
10.	12(2)	Failure to inform worker of protective measures in connection with restoration of ventilation system	B
11.	13	Improper reliance on respirator	B
12.	14(a)	Failure to post signs where gamma radiation dose rate exceeds the specified limit	A
13.	14(b)	Failure to provide direct-reading dosimeter to workers entering an area where gamma radiation dose rate exceeds the specified limit	B

14.	15(1)	Failure to provide radiation health and safety training certificate to worker	A
15.	15(2)	Failure to provide copy of radiation health and safety training program to worker's representative	A
16.	16(1)(a)	Failure to keep record of operating and maintenance procedures	B
17.	16(1)(b)	Failure to keep record of mine plans	B
18.	16(1)(c)	Failure to keep record of schedules for planned mining operations	A
19.	16(1)(d)	Failure to keep record of plans of waste management systems	A
20.	16(1)(e)	Failure to keep record of design of uranium mine or mill, or of design of components and systems installed at the mine or mill	A
21.	16(1)(f)	Failure to keep record of method and data used to ascertain radiation dose and intake of radioactive nuclear substances by workers	A
22.	16(1)(g)	Failure to keep record of measurements	A
23.	16(1)(h)	Failure to keep record of inspections and maintenance	A
24.	16(1)(i)	Failure to keep record of quantity of air delivered by each main fan	A
25.	16(1)(j)	Failure to keep record of performance of each dust control system	A
26.	16(1)(k)	Failure to keep record of training received by each worker	A
27.	16(2)	Failure to make required records available to worker or to worker's representative	A
28.	16(3)	Failure to retain training record for the specified period	A
29.	16(4)	Failure to post record of work place measurements at an accessible location in the uranium mine or mill	B

## PART 7

## NUCLEAR SUBSTANCES AND RADIATION DEVICES REGULATIONS

Item	Column 1 Provision	Column 2 Short-form Description	Column 3 Category
1.	11(1)(a)	Use of uncertified radiation device	B
2.	11(1)(b)	Use of radiation device contrary to development licence	A
3.	11(2)	Transfer of uncertified radiation device for use within Canada	B
4.	16	Use of radioactive nuclear substance or radiation device on a person otherwise than as directed by a qualified medical practitioner	B
5.	17	Failure to make instructions concerning radiation safety and accidents available to workers	B
6.	18(1) and 18(2)	Failure to conduct leak tests on sealed source or shielding	B
7.	18(3)(a)	Failure to discontinue use of sealed source or shielding when leakage detected	B
8.	18(3)(b)	Failure to discontinue use of radiation device when leakage detected	B
9.	18(3)(c)	Failure to take measures to limit the spread of radioactive contamination when leakage detected	B
10.	18(3)(d)	Failure to immediately notify the Commission that leakage was detected	B
11.	19(1)	Failure to provide required instructions for dealing with accidents upon transfer of a radiation device	A
12.	19(2)	Failure to provide most recent leak test record upon transfer of sealed source or shielding	A

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|-----|----------|--------------------------------------------------------------------------------------------------------------------------------------------------------------|---|
| 13. | 20       | Use of a radiation survey meter that has not been calibrated within the specified period                                                                     | B |
| 14. | 21       | Use of a radiation device that was not tested or inspected after accident                                                                                    | B |
| 15. | 22       | Use of radiation device in field operation that does not have attached label with contact information                                                        | A |
| 16. | 23(a)    | Failure to post emergency contact information where the radioactive nuclear substance is used or stored                                                      | B |
| 17. | 23(b)    | Failure to post warning sign and personnel entry procedures to be followed at every personnel access opening to any equipment fitted with a radiation device | B |
| 18. | 24       | Operation of an exposure device by an uncertified operator or by an unsupervised trainee                                                                     | B |
| 19. | 29       | Failure of exposure device operator to immediately surrender certificate to the Commission upon decertification                                              | A |
| 20. | 30(1)(a) | Failure of licensee to ensure exposure device is equipped with source tag                                                                                    | A |
| 21. | 30(1)(b) | Failure of licensee to lock exposure device when not in use                                                                                                  | B |
| 22. | 30(1)(c) | Failure of licensee to return dosimeter within the specified period                                                                                          | B |
| 23. | 30(2)    | Failure of licensee to immediately notify the Commission about loss, theft, damage or malfunction of exposure device                                         | A |
| 24. | 30(3)(a) | Failure of licensee to provide the specified radiation survey meter                                                                                          | B |
| 25. | 30(3)(b) | Failure of licensee to provide the specified emergency equipment and material when a guide tube is used                                                      | B |
| 26. | 30(3)(c) | Failure of licensee to provide dosimeter that meets the to (e) specified requirements                                                                        | B |
| 27. | 30(3)(f) | Failure of licensee to provide sufficient number of radiation warning signs for posting                                                                      | B |

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|-----|-----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|
| 28. | 30(3)(g)              | Failure of licensee to provide sufficient number of forms to keep records                                                                                                               | A |
| 29. | 30(4)                 | Authorizing operation of exposure device that does not appear to be functioning normally or of exposure device with radiation dose rate on its surface greater than the specified limit | B |
| 30. | 30(5)                 | Failure of licensee to provide written authorization for sealed source change                                                                                                           | A |
| 31. | 30(6)                 | Failure of licensee to limit dose of radiation to persons other than nuclear energy workers                                                                                             | C |
| 32. | 30(7)                 | Authorizing a person to respond to exposure device or sealed source assembly malfunctions without proper training                                                                       | B |
| 33. | 31(1)(a)              | Failure of exposure device operator to use the specified radiation survey meter                                                                                                         | B |
| 34. | 31(1)(b)              | Failure of exposure device operator to have the specified emergency equipment and material immediately available when using a guide tube                                                | B |
| 35. | 31(1)(c), (d) and (f) | Failure of exposure device operator to properly wear the required dosimeter                                                                                                             | B |
| 36. | 31(1)(e)              | Failure of exposure device operator to keep daily radiation dose records                                                                                                                | A |
| 37. | 31(1)(g)              | Failure of exposure device operator to ensure exposure device functions within manufacturer's specifications                                                                            | B |
| 38. | 31(1)(h)              | Failure of exposure device operator to use radiation survey meter to confirm sealed source assembly returned to shielded position                                                       | B |
| 39. | 31(1)(i)              | Failure of exposure device operator to limit radiation dose to persons other than nuclear energy workers                                                                                | C |
| 40. | 31(1)(j)              | Failure of exposure device operator to place persons or erect barriers to prevent entry into radiation area                                                                             | B |
| 41. | 31(1)(k)              | Failure of exposure device operator to post radiation warning                                                                                                                           | B |

## signs to prevent entry into radiation area

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|-----|-----------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|
| 42. | 31(1)(l)        | Failure of exposure device operator to lock exposure device when not in use                                                                                                                                                                 | B      |
| 43. | 31(1)(m)        | Failure of exposure device operator to immediately report to licensee a specified situation and actions taken                                                                                                                               | B      |
| 44. | 31(2)           | Failure of exposure device operator to return dosimeter to licensee at the specified time                                                                                                                                                   | A      |
| 45. | 31(3)           | Failure of exposure device operator to submit dose record to licensee at the specified time                                                                                                                                                 | A      |
| 46. | 31(4)           | Operating malfunctioning exposure device or exposure device with radiation dose rate on its surface greater than the specified limit                                                                                                        | B      |
| 47. | 31(5)           | <p>(a) Failure of exposure device operator to ensure that dose limit of radiation is not exceeded during shift</p> <p>(b) Failure of exposure device operator to stop work and notify licensee when dose limit is exceeded during shift</p> | B<br>B |
| 48. | 31(6)           | Responding to exposure device or sealed source assembly malfunctions without proper training                                                                                                                                                | B      |
| 49. | 32              | Improper appointment of exposure device operator to supervise trainees                                                                                                                                                                      | A      |
| 50. | 33(1)           | Authorizing a trainee lacking sufficient knowledge to operate an exposure device                                                                                                                                                            | B      |
| 51. | 33(2)           | Failure of exposure device operator to directly supervise and continuously observe trainee operating an exposure device                                                                                                                     | B      |
| 52. | 34(1)           | Removal or insertion of sealed source without written authorization of the licensee                                                                                                                                                         | A      |
| 53. | 34(2) and 34(3) | Failure to measure, record and report to the licensee radiation dose rates and doses of radiation when removing or inserting sealed sources                                                                                                 | A      |
| 54. | 35(1)           | Failure to notify the Commission before conducting tracer or subsurface tracer studies                                                                                                                                                      | A      |

55.	35(2)	Failure to file a tracer study report with the specified information within the specified time	A
56.	36(1)(a)	Failure to keep record of specified information in respect of any nuclear substance in licensee's possession	A
57.	36(1)(b)	Failure to keep record of name of workers who use or handle nuclear substances	A
58.	36(1)(c)	Failure to keep record of any transfer, receipt, disposal or abandonment of a nuclear substance	A
59.	36(1)(d)	Failure to keep record of training received by each worker	A
60.	36(1)(e)	Failure to keep record of every inspection, measurement, test or servicing of radiation device	A
61.	36(1.1)	Failure to keep record of servicing another licensee's radiation device	A
62.	36(2)	Failure to retain worker training record for the specified period	A
63.	36(3)	Failure to retain record of every inspection, measurement, test or servicing of radiation device for the specified period	A
64.	36(4)	Failure to keep record of leak tests conducted on a sealed source or shielding and retain it for the specified period	A
65.	37	Failure to keep record of specified information in respect of exposure devices in licensee's possession	A
66.	38(1)	Failure to immediately notify the Commission regarding a loss or theft, as required	B
67.	38(2)	Failure to file full report regarding a loss or theft within the specified time and including the specified information	A

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PART 8

PACKAGING AND TRANSPORT OF NUCLEAR SUBSTANCES REGULATIONS

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Item	Provision	Short-form Description	Category
1.	11(1)	Production of certified design package contrary to specifications	B
2.	11(2)	Failure to mark package with specified information	A
3.	12(1)	Production of special form radioactive material that is not of certified design or in accordance with specifications	B
4.	12(2)	Failure to identify special form radioactive material by marking it in a legible and durable manner	A
5.	12(3)	Possession of special form radioactive material that is not of certified design or has not been approved by a foreign competent authority as required	A
6.	12(4)	Failure of person who produces or possesses special form radioactive material to act in accordance with paragraph 818 of the <i>IAEA Regulations</i>	B
7.	12(5)	Production of low dispersible radioactive material that is not of certified design or in accordance with certificate specifications	B
8.	12(6)	Failure to identify low dispersible radioactive material by marking it in a legible and durable manner	A
9.	12(7)	Possession of low dispersible radioactive material that is not of certified design	A
10.	13(a)	Failure to implement and maintain a written quality assurance program in accordance with paragraph 310 of the <i>IAEA Regulations</i>	B
11.	13(b) and (c)	Failure to keep record of quality assurance program and retain it for the specified period	A
12.	14(1)	Use of package of certified design without confirmation that the use of package is registered by the Commission	A
13.	15(1)	Failure to act in accordance with <i>Transportation of Dangerous Goods Regulations</i>	C

14.	15(2)	Failure of consignor to act in accordance with paragraphs 550 to 561 of the <i>IAEA Regulations</i>	B
15.	15(3)	Failure of consignor of excepted package to act in accordance with paragraph 554 of the <i>IAEA Regulations</i>	B
16.	15(4)	Failure of consignor of radioactive material to advise consignee of transport of material	A
17.	15(5)	Failure of carrier to act in accordance with paragraphs 562 to 569 and 571 to 580 of the <i>IAEA Regulations</i>	B
18.	15(6)	Failure of carrier to transport radioactive material in accordance with consignor's instructions	B
19.	15(7)	Failure of carrier to implement, maintain or keep record of work procedures	A
20.	16(1)(a)	Presentation for transport or transport of radioactive material in package that does not meet the specified requirements	B
21.	16(4)	Failure of consignor or carrier to act in accordance with paragraphs 501 to 547 of the <i>IAEA Regulations</i>	B
22.	16(5)(a)	Failure of consignor or carrier to comply with exemption requirements for transport of an exposure device	B
23.	16(5)(c)	Failure of consignor or carrier to comply with exemption requirements for transport of LSA-I material other than uranium hexafluoride	B
24.	17(1)	Failure of consignor to include in transport documents the information referred to in paragraph 549 of the <i>IAEA Regulations</i>	A
25.	17(3)	Transportation of consignment of radioactive material without the required transport documents	B
26.	18(1)(a)	Failure to keep exposure and effective and equivalent doses as low as reasonably achievable through the implementation of a radiation protection program	B
27.	18(1)(b)	Failure to prevent persons from receiving radiation doses	B

higher than prescribed dose limits through the implementation of a radiation protection program

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|-----|--------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|
| 28. | 18(1)(c)     | Failure to train specified persons on the application of a radiation protection program                                                                                          | B |
| 29. | 18(2)        | Failure to keep radiation protection program records or retain the records for the specified period                                                                              | A |
| 30. | 19(1) to (3) | Failure to immediately make preliminary report with the specified information to the Commission and licence holder following a dangerous occurrence                              | B |
| 31. | 19(4)        | Failure to take immediate required action after a dangerous occurrence                                                                                                           | B |
| 32. | 19(5)        | Failure to file full report with the Commission of the dangerous occurrence within specified period and with the required information                                            | B |
| 33. | 21(1)        | Opening a package without taking measures to prevent persons from receiving radiation doses higher than dose limits or without the presence of an expert in radiation protection | B |
| 34. | 21(2)        | Failure to restore the package to a condition that meets requirements before forwarding it to consignee                                                                          | B |
| 35. | 21(3)        | Failure to verify package integrity on receipt                                                                                                                                   | B |
| 36. | 21(4)        | Failure to file report within the specified period if package is damaged or if any fissile material is outside the confinement system                                            | A |
| 37. | 21(5)        | Failure to immediately make preliminary report to the Commission if package shows evidence of having been tampered with or if any portion of its contents has escaped            | A |
| 38. | 21(6)        | Failure to include specified information in preliminary report of tampered package                                                                                               | A |
| 39. | 21(7)        | Failure to file a report with the Commission within specified period regarding package that shows evidence of having been tampered with                                          | A |
| 40. | 22(a)        | Failure to notify consignor, consignee and the Commission of                                                                                                                     | B |

## undeliverable package

41.	22(b)	Failure to place the undeliverable package in access-controlled area until its delivery	B
42.	23(1)	Failure to keep records with the specified information and documents concerning packages of Type IP-2, Type IP-3 and Type A	A
43.	23(2)	Failure to retain records concerning packages of Type IP-2, Type IP-3 and Type A for the specified period	A

## PART 9

## NUCLEAR SECURITY REGULATIONS

Item	Column 1 Provision	Column 2 Short-form Description	Column 3 Category
1.	7(1)	Failure to process, use or store Category I nuclear material in an inner area	B
2.	7(2)	Failure to process, use or store Category II nuclear material in a protected area	B
3.	7(3)(a)	Failure to process, use or store Category III nuclear material in a protected area	B
4.	7(3)(b)	Failure to process, use or store Category III nuclear material in an area under direct visual surveillance	B
5.	7(3)(c)	Failure to process, use or store Category III nuclear material in an area controlled by the licensee and designed and constructed to prevent unauthorized access	B
6.	7.1(1) (a) to (d)	Failure to equip controlled access area for Category III nuclear material with specified devices	B
7.	7.2(1)	Failure to make written arrangements with off-site response force capable of making effective intervention at area where Category III nuclear material is processed, used or stored	B

8.	7.2(2) (a) and (b)	Failure to include the specified provisions in arrangements with off-site response force	B
9.	7.2(3)	Failure of alarm monitoring service under contract to notify the licensee and off-site response force on receipt of an alarm signal	B
10.	7.5(1)	Failure to conduct threat and risk assessment at the specified interval	B
11.	7.5(2)	Failure to modify physical protection system to counter identified credible threat	B
12.	7.5(3)	Failure to keep written record of each threat and risk assessment conducted	A
13.	7.5(4)	Failure to provide the Commission with record of threat and risk assessment and statement of actions within prescribed period	A
14.	9(1)	Failure to enclose protected area by a barrier at its perimeter	B
15.	9(2) and (3)	Failure to construct protected area barrier that meets requirements	B
16.	9(6)	Failure to construct means of entry or exit that can be closed and locked	B
17.	9(7)	Failure to keep means of entry or exit closed and locked unless under direct visual surveillance of nuclear security officer	B
18.	9.1(1)	Failure to confine entry and exit of land vehicles to vehicle portals	B
19.	9.1(2)	Failure to ensure that gates of vehicle portal are not both open at the same time	B
20.	9.1(3)	Permitting a land vehicle to enter protected area without operational requirement	B
21.	9.1(4)	Failure to implement physical protection measures to reduce	B

## risk of forced land vehicle penetration

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|-----|-------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|
| 22. | 10(1),<br>10(2)(a)<br>and (b)       | Failure to maintain specified unobstructed area around protected area                                                                                                                                 | B |
| 23. | 11(a)(i)<br>to (iv)<br>and<br>11(b) | Failure to equip protected area with required devices or keep protected area under the direct visual surveillance of a nuclear security officer with a device that sets off a continuous alarm signal | B |
| 24. | 13(1)<br>and (2)                    | Failure to enclose inner area with a structure or barrier that meets requirements                                                                                                                     | B |
| 25. | 13(3)                               | Failure to keep means of entry or exit closed and locked with device that can only be unlocked by two authorized persons                                                                              | B |
| 26. | 13(4)                               | Entering and remaining in an inner area without another authorized person                                                                                                                             | B |
| 27. | 13(5)                               | Permitting a land vehicle to enter an inner area without operational requirements                                                                                                                     | B |
| 28. | 14(a)(i)<br>to (iv)<br>and<br>14(b) | Failure to equip inner area with required devices or keep inner area under the direct visual surveillance of a nuclear security officer with a device that sets off a continuous alarm signal         | B |
| 29. | 14.1                                | Failure to identify vital areas and implement physical protection measures                                                                                                                            | B |
| 30. | 15(1)(a)<br>to (c)                  | Failure to monitor the protected area devices, inner area devices and physical protection measures from a security monitoring room                                                                    | B |
| 31. | 15(2)                               | Failure to meet security monitoring room requirements                                                                                                                                                 | B |
| 32. | 15(3)                               | Failure to monitor the alarm devices as required                                                                                                                                                      | B |
| 33. | 15.1(a)<br>and (b)                  | Failure to provide uninterrupted power supply for required devices and equipment                                                                                                                      | B |
| 34. | 15.2(1)<br>and (2)                  | Failure to maintain records of access control devices with the specified information                                                                                                                  | A |
| 35. | 15.2(3)                             | Failure to restore integrity of defective, lost, stolen or                                                                                                                                            | B |

## unlawfully transferred access control device

36.	15.2(4)	Issuing an access control device or combination to unauthorized person	B
37.	16	Failure to maintain site plan	B
38.	17(1)	Entering protected area without authorization	B
39.	17(2)	Failure to prepare identification report as required	A
40.	17(3)	Issuing an authorization to enter protected area without proof of name and address and without condition that person be escorted	B
41.	17(4)	Permitting unescorted person to enter or remain in protected area	B
42.	17(6)	Failure to give person copy of requested information or documents	A
43.	17.1	Failure to verify person's identity by two separate personnel identity verification systems when person enters protected area	B
44.	18(1)	Entering inner area without recorded authorization	B
45.	18(2)	Acting as a nuclear security officer without recorded authorization	A
46.	18(3)	Acting as a physical protection system support person without recorded authorization	A
47.	18.1	Failure to conduct required checks before granting authorization to enter protected area or act as physical protection system support person	A
48.	18.2	Failure to conduct required checks, obtain proof of status in Canada or obtain required certificates prior to issuing an authorization to a nuclear security officer	A
49.	18.5	Failure to give person copy of requested information or documents	A

50.	19(1)	Failure to establish or maintain a list of persons authorized to A enter an inner area or to act as a nuclear security officer or physical protection system support person	
51.	19(2)	Failure to provide list of persons authorized to enter inner A area, or to act as a nuclear security officer or physical protection system support person, to the Commission or the inspector requesting it	
52.	20(1)	Entering inner area without required authorization	B
53.	20(2)	Acting as physical protection system support person without B required authorization	
54.	20.1	Failure to obtain required information prior to issuing an A authorization to enter inner area or act as physical protection system support person	
55.	20.2(1) and (2)	Failure to include condition that the person must be B escorted for authorization to enter inner area, or to act as physical protection system support person	
56.	20.2(3)	Permitting person with authorization to enter or remain in B inner area or to act as a physical protection system support person without being escorted	
57.	21(2)	Failure to notify the Commission in writing of revocation of A authorization	
58.	23(1)	Permitting means of entry or exit into inner area to be B unlocked, opened or kept open longer than required and without direct visual surveillance of a nuclear security officer	
59.	23(2)	Permitting the means of entry or exit in structure or barrier B to inner area to be unlocked by unauthorized persons	
60.	24(1)	Permitting an unauthorized person to enter or remain in B protected area or inner area	
61.	24(2)	Failure to immediately report unauthorized person in B protected area or inner area to nuclear security officer	
62.	25	Failure to ensure that weapons and explosives only enter B protected or inner area under the control of an authorized person	

63.	26	Failure to ensure Category I, II and III nuclear material is only removed from a protected area or inner area in accordance with a licence	B
64.	27(1)	Failure to post required advisory notices at entrance of protected and inner areas	A
65.	27(2)	Failure to search a person and their possessions on entering and leaving protected area or inner area	B
66.	27(4)	Permitting a person to remain in protected area or inner area without the person and their possessions being searched	B
67.	27(5)	Failure to conduct search in accordance with the requirements	B
68.	28(1)	Entering or leaving a protected area or inner area after refusing to submit to a search	C
69.	28(2)(a)	Taking weapons or explosive substances, unless under the control of an authorized person, into protected area or inner area	C
70.	28(2)(b)	Unauthorized removal of Category I, II and III nuclear material from protected or inner area	C
71.	30	Failure to provide sufficient number of nuclear security officers required to carry on the specified activities	B
72.	31	Failure to provide nuclear security officer with required equipment to perform the specified duties	B
73.	32	Failure to maintain on-site nuclear response force capable of making effective intervention	B
74.	34(1)	Failure to train nuclear security officers regarding their security duties and responsibilities	B
75.	34(2)	Failure to examine nuclear security officer candidate's familiarity with security duties and responsibilities within the specified period	B
76.	35(1)	Failure to make written arrangements with off-site response force to provide for protection of facility	B

77.	35(2)	Failure to include specified provisions in arrangements with off-site response force	B
78.	36(1)	Failure to develop and maintain contingency plan with off-site response force to ensure effective intervention	B
79.	36(2)	Failure to conduct security exercise at the specified interval	B
80.	36(3)	Failure to notify the Commission about security exercise within the specified period	A
81.	36(4)	Failure to conduct security drill at the specified interval	B
82.	37(1)(a)	Failure to keep record of persons authorized to enter protected or inner area	A
83.	37(1)(b)	Failure to retain record of persons authorized to enter protected or inner area for the specified period	A
84.	37(1)(c)	Failure to make copy of record of persons authorized to enter protected or inner area available to nuclear security officers	A
85.	37(2)	Failure to keep record of duties and responsibilities of nuclear security officers and to give a copy of record to nuclear security officer	A
86.	37(3)	Failure to keep record of training received by each nuclear security officer	A
87.	38	Failure to develop and implement supervisory awareness program	B
88.	42(1)	Permitting a person without a facility-access security clearance to enter or remain in a nuclear facility	B
89.	42(1)	Permitting an unescorted or unauthorized person to enter or remain in a nuclear facility	B
90.	42(2)	Failure to verify criminal record, personal history or information relating to trustworthiness before granting facility-access security clearance	B
91.	43(1)	Failure to establish and maintain list of persons granted facility-access security clearance	A

92.	43(2)	Failure to provide list of persons granted facility-access security clearance to the Commission or the inspector requesting it	A
93.	44(2)	Failure to notify the Commission in writing about revocation of facility-access security clearance	A
94.	45(a)	Permitting a land vehicle to enter a nuclear facility without operational requirement and without searching it for explosive substances, weapons or unauthorized persons	B
95.	45(b)	Permitting entry of an unauthorized land vehicle at a nuclear facility	B
96.	46(1)	Processing, using or storing nuclear substances or radioactive material in an area that is not under the visual surveillance of the licensee or an area that is not designed and constructed to prevent unauthorized access	B
97.	46(2)	Failure to equip area with specified devices where nuclear substances or radioactive material is processed, used or stored	B
98.	47(1)	Failure to make written arrangements with an off-site response force capable of making an effective intervention at nuclear facility	B
99.	47(2)	Failure to include specified provisions in arrangements with off-site response force	B
100.	47(3)	Failure of alarm monitoring service under contract to notify the licensee and off-site response force on receipt of an alarm signal	B
101.	48	Failure to develop and implement supervisory awareness program	B

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PART 10

NUCLEAR NON-PROLIFERATION IMPORT AND EXPORT CONTROL REGULATIONS

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Item	Provision	Short-form Description	Category
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- |    |      |                                                                                                                                                                             |   |
|----|------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|
| 1. | 4(3) | Failure to submit a written report to the Commission concerning the export of a controlled nuclear substance within the specified period and with the specified information | B |
|----|------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|
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[7-1-o]

[Footnote a](#)

S.C. 2012, c. 19, s. 129(1)

[Footnote b](#)

S.C. 1997, c. 9

**NOTICE:**

The format of the electronic version of this issue of the *Canada Gazette* was modified in order to be compatible with extensible hypertext markup language (XHTML 1.0 Strict).

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