



DRAFT
Regulatory
Guide

G-341

**Control of the Export and Import of Risk-
Significant Sealed Sources**

Issued for External Stakeholder Consultation
February 2007

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TYPES OF REGULATORY DOCUMENTS

Regulatory documents support the Canadian Nuclear Safety Commission (CNSC) regulatory framework. By expanding on expectations set out in general terms in the *Nuclear Safety and Control Act* and associated regulations, regulatory documents provide one of the core management tools upon which the CNSC relies to fulfill its legislated obligations.

The regulatory documents most commonly published by the CNSC are *regulatory policies*, *regulatory standards*, and *regulatory guides*. At the highest level, regulatory policies provide the direction for regulatory standards and guides, which serve as the policy “instruments.” A fourth type of regulatory document, the *regulatory notice*, is issued when warranted. Because the information in a *regulatory notice* must be conveyed with relative urgency, the development process is faster than that applied to the other documents.

Regulatory Policy (P): The regulatory policy describes the philosophy, principles or fundamental factors on which the regulatory activities associated with a particular topic or area of concern are based. It describes why a regulatory activity is warranted, and therefore promotes consistency in the interpretation of regulatory requirements.

Regulatory Standard (S): The regulatory standard clarifies CNSC expectations of what the licensee should do, and becomes a legal requirement when it is referenced in a licence or other legally enforceable instrument. The regulatory standard provides detailed explanation of the outcomes the CNSC expects the licensee to achieve.

Regulatory Guide (G): The regulatory guide informs licensees about how they can meet CNSC expectations and requirements. It provides licensees with a recommended approach for meeting particular aspects of the requirements and expectations associated with their respective licensed activities.

Regulatory Notice (N): The regulatory notice notifies licensees and other stakeholders about significant matters that warrant timely action.

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About this Document

This draft regulatory document is intended to help applicants, licensees and stakeholders understand the Canadian Nuclear Safety Commission (CNSC) export and import control program for risk-significant sealed sources and the associated licensing process.

Comments

The CNSC invites interested persons to assist in the further development of this draft regulatory document by commenting in writing on its content and potential usefulness. Please respond by December 1, 2007. Direct your comments to the postal or e-mail address provided below, referencing file 1-8-8-341.

The CNSC will take the comments received on this draft into account when developing it further. Any comments submitted including names and affiliations, may be made public.

Document availability

This document is available in English or French on the CNSC website at www.nuclearsafety.gc.ca. A paper copy of the document in either official language can be ordered from:

Administrative Assistant—Regulatory Standards and Research Division
Directorate of Safety Management and Standards
Canadian Nuclear Safety Commission
P.O. Box 1046, Station B
280 Slater Street
Ottawa, Ontario, CANADA, K1P 5S9

Telephone: 613-947-3981 or 1-800-668-5284 (Canada only)

Facsimile: 613-995-5086

E-mail: consultation@cnsccsn.gc.ca

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CONTROL OF THE EXPORT AND IMPORT OF RISK-SIGNIFICANT SEALED SOURCES

1.0 PURPOSE

The purpose of this regulatory guide is to help applicants, licensees and stakeholders understand the Canadian Nuclear Safety Commission (CNSC) export and import control program for risk-significant sealed sources and the associated licensing process.

2.0 SCOPE

This document provides information to applicants, licensees, and stakeholders regarding the application process for a licence to export risk-significant sealed sources, which are described in Section 5 of this guide.

3.0 RELEVANT LEGISLATION

The following sections of the *Nuclear Safety and Control Act* (NSCA) and Regulations are relevant to the purpose of this regulatory guide:

1. Section 26 of the NSCA stipulates that “subject to the regulations, no person shall, except in accordance with a licence, (a) possess, transfer, import, export, use or abandon a nuclear substance, prescribed equipment or prescribed information” and “(b)... package, transport, manage, store or dispose of a nuclear substance”;
2. Subsection 24(5) of the NSCA stipulates that a licence “may contain any term or condition that the Commission considers necessary for the purposes of this Act...”;
3. Subsection 24(4) of the NSCA states that “no licence may be issued, renewed, amended or replaced unless, in the opinion of the Commission, the applicant (a) is qualified to carry on the activity that the licence will authorize the licensee to carry on; and (b) will, in carrying on that activity, make adequate provision for the protection of the environment, the health and safety of persons and the maintenance of national security and measures required to implement international obligations to which Canada has agreed”; and
4. Paragraph 3(1)(n) of the *General Nuclear Safety and Control Regulations* states that an application for a licence shall contain “at the request of the Commission, any other information that is necessary to enable the Commission to determine whether the applicant (i) is qualified to carry on the activity to be licensed; or (ii) will, in carrying out that activity, make adequate provision for the protection of the environment, the health and safety of persons and the maintenance of national security and measures required to implement international obligations to which Canada has agreed”.

4.0 OVERVIEW

Enhancement of CNSC's export and import control program for risk-significant sealed sources is consistent with the provisions of two key International Atomic Energy Agency (IAEA) documents: the *Code of Conduct on the Safety and Security of Radioactive Sources* (the Code) (IAEA)^[1] and the *Guidance on the Import and Export of Radioactive Sources* (the IAEA Guidance) (IAEA)^[2]. The Code and the IAEA Guidance were developed internationally to promote the safe and secure management of radioactive sources. In support of the IAEA and its efforts to develop a global control regime, the Government of Canada committed to working towards meeting the provisions contained within the Code and IAEA Guidance.

The CNSC is responsible for controlling the export and import of risk-significant sealed sources and maintaining a national register for tracking sealed sources. Through its role in implementing these two measures, the CNSC enhances national and international safety and security by ensuring that the management of risk-significant sealed sources pursuant to the NSCA is consistent with the Code and IAEA Guidance, which have the following objectives:

1. Achieving a high level of safety and security regarding risk-significant sealed sources;
2. Reducing the likelihood of accidental harmful exposure to risk-significant sealed sources or the malicious use of such sources to cause harm to individuals, society and the environment; and
3. Mitigating or minimizing the radiological consequences of any accident or malicious act involving risk-significant sealed sources.

5.0 RISK-SIGNIFICANT SEALED SOURCES

In the CNSC export and import control program, risk-significant sealed sources reflect the Code's division of radioactive elements into two categories based on their threshold activity. The higher levels of radioactivity are designated as Category 1 sealed sources and the lower levels of radioactivity as Category 2. Table 1 provides details of the threshold activities in becquerels (Bq) for both Category 1 and Category 2.

Table 1: Threshold Activities for Category 1 and Category 2 Sealed Sources

Nuclear Substance	Category 1 (TBq)	Category 2 (TBq)
Americium 241	60	0.6
Americium 241/Beryllium	60	0.6
Californium 252	20	0.2
Curium 244	50	0.5
Cobalt 60	30	0.3
Cesium 137	100	1.0
Gadolinium 153	1 000	10.0
Iridium 192	80	0.8
Promethium 147	40 000	400.0
Plutonium 238	60	0.6
Plutonium 239/Beryllium	60	0.6
Radium 226	40	0.4
Selenium 75	200	2.0
Strontium 90 (Yttrium 90)	1 000	10.0
Thulium 170	20 000	200.0
Ytterbium 169	300	3.0

6.0 CNSC EXPORT AND IMPORT PROGRAM

The export and import program described in this guide is designed to meet the provisions of the Code and the IAEA Guidance. Key elements of this regulatory program include:

1. A licensing program for the export and import of risk-significant sealed sources;
2. A control program for the import of Category 1 sealed sources; and
3. Implementation of bilateral administrative procedures with foreign governments.

6.1 Export

A licensee authorized to use or possess a risk-significant sealed source must apply for and be issued an Export Licence before exporting that source. The licensee must ensure the information provided in the application is comprehensive enough to enable the CNSC to evaluate the application. The CNSC undertakes a risk-informed assessment of the information provided by the applicant to ensure that the proposed export will be used solely for beneficial and peaceful purposes and will not contribute to radiological security threats.

6.2 Import

Licenses authorized to possess risk-significant sealed sources may import such sources only if their licence also authorizes importation.

7.0 APPLYING FOR AN EXPORT LICENCE

To simplify the application process, applicants may use the form in Appendix A and submit it to the CNSC.

7.1 Prerequisites

Applicants for an export licence must already hold a licence to possess the sources in question before submitting an application.

7.2 Export Licence Constraints

Unless otherwise authorized by the CNSC:

1. A separate application is required for each export transaction or specific set of transactions that are anticipated to occur within a specific period of time.
2. Each licence issued will pertain to one or more importers, but only in a single country.
3. Separate licenses will be issued for category 1 and category 2 sealed sources.

Each transaction may involve multiple shipments carried out over a specified period of time.

7.3 Processing Time

The time required for processing an application for an export licence is affected, in part, by the scope of international communications that are required. Typically, the CNSC can process an application and decide on issuance of an export licence within three weeks. The length of time for processing the application will depend however, on a variety of factors such as: the importing country's regulatory program, the importer, and whether the export item is a Category 1 or Category 2 source. As a result, additional time may be required in some cases to process an export licence application.

Applicants are encouraged to apply for an export licence at the earliest opportunity.

8.0 FEES

There are currently no fees associated with applying for an export licence.

9.0 CNSC CONTACT INFORMATION FOR EXPORT / IMPORT CONTROLS PROGRAM:

To obtain further information on the Export and Import Controls Program, please contact:

Licensing Administrator
Nuclear Substances Export / Import Controls
Non-Proliferation and Export Controls Division
Directorate of Security and Safeguards
P.O. Box 1046, Station B
280 Slater Street
Ottawa, Ontario K1P 5S9
CANADA

Telephone: 1-800-668-5284
Facsimilie: (613) 995-5086
E-mail: export @cnsccsn.gc.ca

GLOSSARY

For the purpose of this document, the following terms and definitions apply.

Risk-significant sealed source

Any radioactive element identified as a risk-significant sealed source in Table 1 of this guide.

Importer

A recipient authorized to receive and possess an exported risk-significant sealed source.

Intended end use

The ultimate purpose of the exported source as declared to the exporter.

Intermediate consignee

A person who is not the importer, but who handles the sealed source at some point in its delivery to the importer. A company associated solely with the transport of the source (e.g., carrier) is not considered an interim consignee.

TBq

Terabecquerels.

Transaction

Any action involving an import or an export.

ASSOCIATED DOCUMENTS

1. *Code of Conduct on the Safety and Security of Radioactive Sources* (IAEA/CODEOC/2004). International Atomic Energy Agency (IAEA), Vienna, 2004.
2. *Guidance on the Import and Export of Radioactive Sources* (IAEA/CODEOC/IMP-EXP/2005). IAEA, Vienna, 2005.

APPENDIX A

EXPORT LICENCE APPLICATION

The application form in this Appendix is intended to provide guidance to ensure that appropriate information is submitted with an application to export risk-significant sealed sources. The following explanatory notes are provided to help with completing the application form. Incomplete applications cannot be processed and will result in delays in licensing.

Information on where to submit the application and how to contact the CNSC for additional help or to find out about the status of the application is included at the bottom of the application form.

A.1 Overview of the Application Form

Part 1: Applicant

Provide the legal **name** of the applicant and the applicants' current **CNSC licence number**. This demonstrates to the CNSC that the applicant is authorized to possess the sealed source for which an export licence is sought.

Provide the name and contact information of a person that the CNSC can **contact** about the application.

Part 2A: Final Consignee

Provide the **importer's authorization number** and **expiry date** of the authorization to receive and possess a risk-significant sealed source. Include a copy of the authorization documentation, if available.

If an import authorization number is unavailable, provide **comments** explaining the nature of the exceptional circumstance that warrants the export of the sealed source, and any arrangements made to ensure the source will be managed in a safe and secure manner.

Part 2B: Intermediate Consignee

Provide the information as noted in Part 2A for any **Interim Consignee** who may handle the export while it is en route to its final destination.

Part 3: Intended Date of Export

Provide the **date** on which the export is intended to take place. If the export transaction requires multiple shipments, provide the **intended date** of each shipment. Where specific dates are uncertain, provide anticipated initial and final dates of the export transactions.

Part 4: Description of Sealed Source

Provide the name of the **nuclear substance** and specify in becquerels (Bq) the **quantity** to be contained in each sealed source.

Indicate the number of sealed sources to be exported.

Indicate whether the sealed source is to be exported in **prescribed equipment**.

Describe the **intended end use** for each sealed source to be exported.

Part 5: Transport Information

Fill in the box to indicate what **type of package** is being used to transport the sealed source.

Provide the package's **design approval certificate number** and the **date** that the package design was approved.

Fill in the box to indicate whether the shipment will require **transport** through other countries. If yes, list the names of the **countries**.

Part 6: Additional Information on Consignee(s), End Use(s) and Sealed Source(s).

Provide any additional information pertinent to supporting the application.

Part 7: Applicant Authority

Provide the **signature**, **title**, and **telephone** and **fax** numbers of an individual with the authority to certify the authenticity of the information in the application form. Include the **year**, **month**, and **day** that the application form was signed.

A.2 Application Form

The *Application for a Licence to Export Sealed Sources* is provided on the following page.



CNSC Use Only	
Application No:	_____
Date Received:	_____/_____/_____ Y YYY / MM / DD

Application for a Licence to Export Sealed Sources

For export of Category 1 and 2 sources as described in CNSC Regulatory Guide G-341

Part 1 Applicant

Name: _____ CNSC Possession/Operating Licence No: _____
 Contact Name: _____
 Address: _____
 City: _____ Province: _____ Postal Code: _____
 E-mail: _____ Telephone: _____ Fax No.: _____

Part 2A Final Consignee (Additional Consignees may be provided on a separate sheet)

Name: _____ Contact Name: _____
 Import Authorization No.: _____ Expiry Date: _____ (Attach copy of any licence, authorization or consent if available)
 Address: _____
 City: _____ Country: _____ E-mail: _____
 Telephone: _____ Fax No.: _____ Comments: _____

Part 2B Intermediate Consignee (Additional Intermediate Consignees may be provided on a separate sheet)

Name: _____ Contact Name: _____
 Import Authorization No.: _____ Expiry Date: _____ (Attach copy of any licence, authorization or consent if available)
 Address: _____
 City: _____ Country: _____ E-mail: _____
 Telephone: _____ Fax No.: _____ Comments: _____

Part 3 Intended Date of Export (Additional information may be provided on a separate sheet)

Intended Date of Initial Shipment: _____ (YYYY/MM/DD) Intended Date of Final Shipment: _____ (YYYY/MM/DD)

Part 4 Description of Sealed Source(s) (Additional information may be provided on a separate sheet)

Nuclear Substance	Activity Per Source (Bq)	No. of Sources	Prescribed Equipment (if applicable)	Final Consignee and End Use

Part 5 Transport Information (As appropriate)

Type of Package: Type B Type C Design Approval Certificate No.: _____ Date of Approval: _____
 Will the shipment require transport through other countries? No Yes (list transit countries) _____

 (Additional information may be provided on a separate sheet)

Part 6 Additional Information on Consignee(s), End Use(s), and Sealed Source(s)

 (Additional information may be provided on a separate sheet)

Part 7 Applicant Authority

I, _____ (Please Print Name), having the authority to sign the application on behalf of the applicant in Part 1 above, pursuant to section 15 of the *General Nuclear Safety and Control Regulations*, certify that all statements and representations made in this application and any supplementary pages appended to this application are true and correct to the best of my knowledge and are binding on the applicant.

Signature: _____ Title: _____ Date: ____/____/____
 Y YYY / MM / DD
 Telephone: _____ Facsimile: _____

Completed applications may be submitted to: Licensing Administrator, Nuclear Substances Export/Import Controls, Non-Proliferation and Export Controls Division, Canadian Nuclear Safety Commission, P.O. Box 1046, Station B, 280 Slater Street, Ottawa, ON K1P 5S9
 Additional information may be obtained in writing or by Phone: 1-800-668-5284 (in Canada) or (613) 995-5894 (outside Canada), by Fax: (613) 995-5086 or by E-mail: info@cnsccsn.gc.ca