



Memorandum D19-2-1

Ottawa, March 21, 2017

Administration of the *Nuclear Safety and Control Act*

In Brief

1. Changes to this memorandum have been made to accurately reflect Canada Border Services Agency's (CBSA) role in assisting the [Canadian Nuclear Safety Commission](#) (CNSC) to administer the [Nuclear Safety and Control Act](#) and Regulations.
2. Additional information on the export of nuclear substances, prescribed equipment or prescribed information has been added to Memorandum D19-2-1.
3. CBSA procedural references have been removed.
4. Copies of CNSC licences have been removed.
5. This memorandum replaces the previous Memorandum D19-2-1, *Administration of the Nuclear Safety and Control Act*, dated January 28, 2014.

The Canada Border Services Agency (CBSA) assists the Canadian Nuclear Safety Commission (CNSC) with the administration of the [Nuclear Safety and Control Act](#) (NSCA) and Regulations. This memorandum outlines the requirements and procedures with respect to the import and export of nuclear substances, prescribed equipment or prescribed information, as well as the in transit movement of nuclear substances through Canada.

The CNSC regulates, through licensing and compliance activities, the import and export of nuclear substances, prescribed equipment and prescribed information pursuant to section 24 and 26 of the NSCA, and pursuant to regulations made under the NSCA. Specific licensing requirements and authorizations vary depending on: the type of nuclear item being shipped; the applicable regulations governing the importation and exportation; the origin and destination of the shipment; and the type of risk being assessed.

Legislation

[Canada Border Services Agency Act](#) – Subsections 5(1) and (2)

[Canada Post Corporations Act](#) – Subsection 19(1)(a)

[Class II Nuclear Facilities and Prescribed Equipment Regulations](#) – Sections 1, 6

[Customs Act](#) – Subsection 12(1), Sections 31 and 95, Subsection 99(1), Section 101, Subsection 107(5)

[General Nuclear Safety and Control Regulations](#) – Sections 10 and 18

[Non-mailable Matter Regulations](#) – Section 4(a), and Schedule

[Nuclear Non-proliferation Import and Export Control Regulations](#) – Section 2 and Schedule

[Nuclear Safety and Control Act](#) – Section 2, Subsection 24(1, 2, 4, 5), Section 26

[Nuclear Security Regulations](#) – Section 1

[*Nuclear Substances and Radiation Devices Regulations*](#) – Subsections 2(1, 2), 5(1, 2, 3)

[*Packaging and Transport of Nuclear Substances Regulations*](#) – Subsection 1(1)

[*Reporting of Exported Goods Regulations*](#) – Sections 2, 3, Subsection 5(1), 5(2)(a)(b) and 14

[*Transportation of Dangerous Goods Act*](#) – Sections 2, 27, and Schedule

[*Transportation of Dangerous Goods Regulations*](#) – Part 2, Part 4

Guidelines and General Information

Definitions

1. The following definitions are derived from the [*Nuclear Safety and Control Act*](#) (NSCA) and Regulations and apply in this memorandum:

Controlled nuclear equipment means,

- (a) the controlled nuclear equipment and the parts and components for controlled nuclear equipment referred to in the Schedule to the [*Nuclear Non-proliferation Import and Export Control Regulations*](#);
- (b) All controlled nuclear equipment is also prescribed equipment for the purposes of the NSCA, with respect to the import and export of that equipment.

Controlled nuclear information means,

- (a) the controlled nuclear information referred to in the Schedule to the [*Nuclear Non-proliferation Import and Export Control Regulations*](#);
- (b) All controlled nuclear information is also prescribed information for the purposes of the NSCA, with respect to the import and export of that information, unless it is made public in accordance with the NSCA, the regulations made under the NSCA or a licence.

Controlled nuclear substance means,

- (a) a controlled nuclear substance referred to in the Schedule to the [*Nuclear Non-proliferation Import and Export Control Regulations*](#);
- (b) All controlled nuclear substances are also prescribed as nuclear substances for the purpose of paragraph (d) of the definition “nuclear substance” in section 2 of the NSCA, with respect to the import and export of those substances.

Risk-significant radioactive source means,

- (a) any radionuclide identified as a Category 1 or Category 2 radioactive source in Table I of Annex I of the International Atomic Energy Agency (IAEA) [*Code of Conduct on the Safety and Security of Radioactive Sources*](#).

Nuclear substance means,

- (a) deuterium, thorium, uranium or an element with an atomic number greater than 92;

- (b) a derivative or compound of deuterium, thorium, uranium or of an element with an atomic number greater than 92;
- (c) a radioactive nuclide;
- (d) a substance that is prescribed as being capable of releasing nuclear energy or as being required for the production or use of nuclear energy;
- (e) a radioactive by-product of the development, production or use of nuclear energy; and
- (f) a radioactive substance or radioactive thing that was used for the development or production, or in connection with the use, of nuclear energy.

Prescribed

Means prescribed by regulation of the Commission.

Prescribed equipment

Means, for the purpose of the NSCA:

- (a) a package and special form radioactive material, as defined in subsection 1(1) of the [Packaging and Transport of Nuclear Substances Regulations](#);
- (b) a radiation device and a sealed source, in section 1 of the [Nuclear Substances and Radiation Devices Regulations](#);
- (c) Class II prescribed equipment, as defined in section 1 of the [Class II Nuclear Facilities and Prescribed Equipment Regulations](#) and
- (d) Equipment that is capable of being used in the design, production, operation or maintenance of a nuclear weapon or nuclear explosive device.

Prescribed information

Means, for the purpose of the NSCA, information that concerns any of the following including a record of that information:

- (a) a nuclear substance that is required for the design, production, operation or maintenance of a nuclear weapon or nuclear explosive device, including the properties of the nuclear substance;
- (b) the design, production, use, operation or maintenance of a nuclear weapon or nuclear explosive device;
- (c) the security arrangements, security equipment, security systems and security procedures established by a licensee in accordance with the NSCA, the regulations may under the NSCA or the licence, and any incident relating to security; and
- (d) the route or schedule for the transport of Category I, II, or III nuclear material, as defined in section 1 of the [Nuclear Security Regulations](#).

Radiation

Means the emission by a nuclear substance, the production using a nuclear substance, or the production at a nuclear facility of, an atomic or subatomic particle or electromagnetic wave with sufficient energy for ionization.

Transit

Means the process of being transported through Canada after being imported into and before being exported from Canada, in a situation where the place of initial loading and the final destination are outside Canada.

Application for a CNSC Licence

2. Applications for a licence to import or export nuclear substances, prescribed equipment or prescribed information should be directed to the [CNSC](#) (see [paragraph 29](#) for contact information).
3. The CNSC may provide unsigned electronic copies of import and export licences to applicants immediately after issuance so that they can maintain their normal business. There is no prescribed format of a CNSC licence or prescribed content. These electronic versions of the licence are valid. The licensee is provided with a signed paper copy of the licence by regular post and must maintain a copy of that licence for inspection. This paper copy of the licence is signed by the Designated Officer. The CNSC does not employ electronic signatures at this time. The licensee must replace the electronic unsigned licence with the signed paper copy upon receipt. If there are concerns on the authenticity of the licence, the CBSA will contact the CNSC.

Import

4. The [Single Window Initiative](#) (SWI) provides commercial importers with the ability to submit electronic information to the CBSA, in advance of their arrival, through the use of the Integrated Import Declaration (IID) service option 911. This service option allows for importers and brokers to obtain release of various regulated goods that previously could only be released through a paper process.
5. The Licence Number(s) along with other data elements specified in the SWI [Electronic Commerce Client Requirements Document](#) (ECCRD's) Canadian Nuclear Safety Commission Appendix must be submitted in IID.
6. In the case of goods regulated by the CNSC, commercial importers can transmit electronic information using the IID to submit a release request up to 90 days in advance.
7. The physical presentation of a licence to import nuclear substances and prescribed equipment is no longer needed when using the SWI IID process. The electronic presentation of the import licence through information contained in the IID satisfies the requirements to present the licence to a BSO.
8. Import data for transactions utilizing the IID is received by the CNSC from the CBSA, eliminating the requirement of the CBSA stamped paper copy to be sent to the CNSC.
9. In instances where the electronic IID is not used, a paper version of the CNSC licence (or a copy) authorizing importation of a nuclear substance, prescribed equipment or prescribed information must be presented with the release package.
10. The classes or types of licence used by the CNSC to authorize an import include: Nuclear and Dual-use Import Licences, Nuclear Substances and Radiation Devices Licences, Waste Nuclear Substance Licences, Class II Nuclear Facility and Prescribed Equipment Licences and Nuclear Facility Operating Licences. Import must be listed as a licensed activity.
11. For information concerning the importation of a nuclear substance, prescribed equipment or prescribed information see [Appendix A](#).
12. Shipments of nuclear substances, prescribed equipment or prescribed information released at an inland CBSA office should be removed from the sufferance warehouse as expeditiously as possible.
13. Please note, that as per the [Transportation of Dangerous Goods Act](#), nuclear substances are identified as Class 7 dangerous goods. As such, dangerous goods are considered "non-mailable matter" and therefore are not permitted for import by post in accordance with the ["Non-mailable Matter Regulations"](#) under the [Canada Post Corporation Act](#).

Export

14. A paper version of the CNSC licence (or a copy) authorizing exportation of a nuclear substance, prescribed equipment or prescribed information must be presented with the export declaration to the CBSA designated export office closest to the place of exit of the goods from Canada, within the legislated reporting timeframes as specified in the [Reporting of Exported Goods Regulations](#).

15. The classes or types of licence used by the CNSC to authorize an export include: Nuclear Substances and Radiation Devices Licences, Nuclear and Dual-use Export Licences, Sealed Source Export Licences, Waste Nuclear Substance Licences, Class II Nuclear Facility and Prescribed Equipment Licences and Nuclear Facility Operating Licences. Export must be listed as a licensed activity.

16. For information concerning the exportation of a nuclear substance, prescribed equipment or prescribed information see [Appendix B](#).

17. Please note, that as per the [Transportation of Dangerous Goods Act](#), nuclear substances are identified as Class 7 dangerous goods. As such, dangerous goods are considered "non-mailable matter" and therefore are not permitted for export by post in accordance with the ["Non-mailable Matter Regulations"](#) under the [Canada Post Corporation Act](#).

In Transit

18. Information on the in transit movement of goods can be found in [Memorandum D3-1-1, Policy Respecting the Importation and Transportation of Goods](#). For information on the in transit movement of nuclear substances, prescribed equipment or prescribed information please contact the CNSC (see [paragraph 29](#) for contact information).

Lost Licence

19. If a licence has been lost or destroyed, the licensee should notify the [CNSC](#) and request a replacement licence.

Amendment to a Licence

20. A licence can only be amended by the CNSC. The licensee should direct the amendment request to the CNSC (see [paragraph 29](#) below for contact information).

Labelling, Placards or Markings

21. Most vehicles and packages containing radioactive substances bear one or more labels, placards or markings to indicate the technical name of the contents and the quantity, nature and degree of radiation. For information on the transport of radioactive substances please see the [Transportation of Dangerous Goods Regulations](#) and [Memorandum D19-13-5, Transportation of Dangerous Goods](#).

Detention

Import

22. Nuclear substances, prescribed equipment or prescribed information will be detained by the border services officer at the point of importation if:

- (a) no licence is presented;
- (b) the name of the importer does not match the name on the licence;

- (c) the name of the supplier does not match the name on the licence (only if included on the licence)
- (d) the items are not as described on the licence;
- (e) the quantity to be imported is greater than that authorized by the licence; or
- (f) the licence has expired.

23. Detained goods may be released when authorization is received from the CNSC. Obtaining this authorization is the responsibility of the importer and will be provided directly to the CBSA from the CNSC by email.

Export

24. Nuclear substances, prescribed equipment or prescribed information will be detained by the CBSA at the point of exportation if:

- (a) no licence is presented;
- (b) the name of the exporter does not match the name on the licence;
- (c) the name of the consignee does not match the name on the licence (only if included on the licence);
- (d) the items are not as described on the licence;
- (e) the quantity to be exported is greater than that authorized by the licence;
- (f) the licence has expired; or
- (g) the officer is not satisfied the nuclear substances, prescribed equipment or prescribed information are being exported according to the [Nuclear Safety and Control Act](#) and regulations.

25. Detained goods may be exported when authorization is received from the CNSC. Obtaining this authorization is the responsibility of the CBSA and will be provided directly from the CNSC by email if eligible for export.

Penalty Information

26. Every person who commits an offence under the [Nuclear Safety and Control Act](#) or regulations under that Act is guilty of an indictable offence and is liable to receive a fine or imprisonment and/or both.

Customs Self-Assessment Program (CSA)

27. There is no CSA allowance for CNSC goods.

Radioactive Waste

28. Import and export authorizations of radioactive waste are dependent on radioactive isotopes. These authorizations are provided by the CNSC through the following classes or types of licences: Nuclear Substances and Radiation Devices Licences, Nuclear and Dual-use Export Licences, Nuclear and Dual-use Import Licences, Waste Nuclear Substances Licences Class II Nuclear Facility and Prescribed Equipment Licence and Nuclear Facility Operating Licences authorizing import or export. Questions regarding licensing of radioactive waste import and/or exports should be directed to the CNSC (see [paragraph 29](#) for contact information).

Additional Information

29. Questions concerning the [Nuclear Safety and Control Act](#), regulations and importation, exportation and transportation while in transit regulatory process, should be directed to:

Canadian Nuclear Safety Commission
280 Slater Street
P.O. Box 1046

Station B
Ottawa ON K1P 5S9

Telephone: **1-800-668-5284**

Facsimile: 613-995-5086

Email: cnsccinformation@ccsn.ca or cnsccexportimport@ccsn.ca

Notes:

- Specific questions concerning goods described in the [Nuclear Substances and Radiation Devices Regulations](#) should be directed to the Nuclear Substances and Radiation Devices Licensing Division of CNSC at cnscclicencepermis@ccsn.ca.
- Specific questions concerning goods described in the [Nuclear Non-proliferation Import and Export Control Regulations](#) or any questions concerning risk-significant radioactive sources should be directed to the Nuclear Non-Proliferation and Export Controls Division of CNSC at cnsccexportimport@ccsn.ca.
- Specific questions concerning a licence to transport while in transit should be directed to the Transportation Licensing and Strategic Support Division of CNSC at cnscctransport@ccsn.ca.
- Specific questions concerning radioactive waste should be directed to the CNSC Waste and Decommissioning Division.
- Specific questions concerning Class II prescribed equipment containing sealed sources (or shipment of their replacement/spent sources) described in Class II Nuclear Facilities and Prescribed Equipment Regulations should be directed to the Accelerators and Class II Facilities Division of the CNSC.

30. Questions concerning the CBSA's administration of these procedures should be directed as follows:

Within Canada call the Border Information Service at **1-800-461-9999**. From outside Canada call 204-983-3500 or 506-636-5064. Long distance charges will apply. Agents are available Monday to Friday (08:00 – 16:00 local time / except holidays). TTY is also available within Canada: **1-866-335-3237**.

Emergencies

31. In the event of an emergency involving radioactive material, contact the CNSC duty officer at the number below.

Emergencies include:

- (a) an accident involving radioactive materials; or
- (b) lost or damaged radioactive materials; and
- (c) any threat, theft, smuggling, vandalism, or terrorist activity involving radioactive materials;

Contact information for the CNSC duty officer: 613-995-0479 or 844-879-0805.

The CNSC duty officer emergency telephone line is available 24 hours a day, 7 days a week.

Appendix A

Importation of Nuclear Substances, Prescribed Nuclear Equipment and Prescribed Nuclear Information referred to in the [*Nuclear Safety and Control Act*](#), the [*Nuclear Substances and Radiation Device Regulations, the Class II Nuclear Facilities and Prescribed Equipment Regulations*](#) and the [*Nuclear Non-proliferation Import and Export Control Regulations*](#) (NNIECR).

Electronic (IID) Import Processing

1. **Importer:** Apply to the [Canadian Nuclear Safety Commission](#) for a licence to import.
2. **CNSC:** Issue the Licence authorizing import with specific terms and conditions to the Licensee. It is the responsibility of the Licensee to review and seek clarification on these terms and conditions as required.
3. **Importer/Broker:** Transmit the Integrated Import Declaration (IID) to the CBSA. The CBSA will transmit the information to the appropriate Participating Government Department or Agency (PGA) which in turn will assess the information and provide a border related recommendation. Information requirements for the importation of nuclear substances and prescribed equipment require specific data elements to be provided in the IID and are listed in the SWI ECCRD's, Appendix B: Canadian Nuclear Safety Commission. The Trade Chain Partner should wait to receive the IID notification before sending the shipment to the border. The data elements provided in the IID replaces the need to present the licence(s) to a Border Services Officer. The declaration may be submitted via IID up to 90 days before the shipment date for processing as per the SWI ECCRD.

Import Licence Paper Process

1. **Importer:** Apply to the [Canadian Nuclear Safety Commission](#) for a licence to import.
2. **CNSC:** Issue the Licence authorizing import with specific terms and conditions to the Licensee. It is the responsibility of the Licensee to review and seek clarification on these terms and conditions as required.
3. **Importer/Broker:** Should ensure:
 - (a) That the document is an authentic CNSC licence, original or photocopy;
 - (b) that the original or photocopied licence **has not** been altered;
 - (c) that the licence bears a distinct identification number;
 - (d) that the name and address of the importer listed on the release documentation corresponds with the licensee name and address listed on the licence;
 - (e) that the name and address of the supplier listed on the release documentation corresponds with the supplier name and address listed on the licence (only applies to goods licenced under the NNIECR);
 - (f) that the import takes place between the effective and expiration dates authorized by the license;
 - (g) that the licence authorizes the activity of import;
 - (h) that the goods described on the release documentation correspond with those listed on the licence; and
 - (i) that the quantity of goods listed on the release documents does not exceed the quantity authorized by the licence.
4. **Importer/Broker:** Indicate licence number on appropriate release request documentation.
5. **Importer/Broker:** Present a paper copy of the licence to the CBSA along with the required paper release request documentation (original licence to be retained by importer).
6. **CBSA:** When the release documents and licence are verified; the CBSA will stamp the licence, return the licence to the importer/broker and release the shipment. If there are issues with the verification the CBSA will detain the shipment.
7. **Importer/Broker:** If the shipment is detained, the importer/broker is responsible for contacting the CNSC.

8. **CNSC:** The CNSC will contact the CBSA port of entry by email with a decision on authorization of the import. The shipment will be released upon the CNSC's authorization.

Appendix B

Export of Nuclear Substances, Prescribed Equipment and Prescribed Information Referred to in the [Nuclear Safety and Control Act](#), the [Nuclear Substances and Radiation Device Regulations](#), the [Class II Nuclear Facilities and Prescribed Equipment Regulations](#) and the [Nuclear Non-proliferation Import and Export Control Regulations \(NNIECR\)](#).

Export Licence Paper Process

1. **Exporter:** [Apply to the Canadian Nuclear Safety Commission for a licence to export.](#)
2. **CNSC:** Issue the Licence authorizing export with specific terms and conditions to the Licensee. It is the responsibility of the Licensee to review and seek clarification on these terms and conditions as required.
3. **Exporter /carrier/customs service provider:** Should ensure:
 - (a) That the document is an authentic CNSC licence, original or photocopy;
 - (b) that the original or photocopied licence **has not** been altered;
 - (c) that the licence bears a distinct identification number;
 - (d) that the name and address of the exporter listed on the export declaration corresponds with the licensee name and address listed on the licence;
 - (e) that the name and address of the consignee listed on the export declaration corresponds with the consignee name and address listed on the licence (only applies to goods licenced under the NNIECR);
 - (f) that the export takes place between the effective and expiration dates authorized by the licence;
 - (g) that the licence authorizes the activity of export;
 - (h) that the goods described on the export declaration correspond with those listed on the licence; and
 - (i) that the quantity of goods listed on the export declaration does not exceed the quantity authorized by the licence.
4. **Exporter/carrier/customs service provider:** Indicate licence number on appropriate export declaration.
5. **Exporter/carrier/customs service provider:** Present a paper copy of the export licence (original licence to be retained by exporter) and the export declaration (if applicable) to the CBSA designated export office closest to the place of exit of the goods from Canada, within the legislated reporting timeframes as specified in the [Reporting of Exported Goods Regulations](#).
6. **CBSA:** When the exportation documents and licence are verified; the CBSA will stamp the licence, return the licence to the exporter/carrier/customs service provider and allow the shipment to proceed. The CBSA will detain the shipment if there are issues encountered in the verification of the licence.
7. **CBSA:** If the shipment is detained, CBSA is responsible for contacting the CNSC.
8. **CNSC:** The CNSC will contact the CBSA by telephone or email with a determination regarding the detained goods.

References	
Issuing Office	Other Government Departments Programs Unit Program and Policy Management Division Programs Branch
Headquarters File	
Legislative References	<i>Canada Border Services Agency Act</i> <i>Canada Post Corporations Act</i> <i>Class II Nuclear Facilities and Prescribed Equipment Regulations</i> <i>Customs Act</i> <i>General Nuclear Safety and Control Regulations</i> <i>Non-mailable Matter Regulations</i> <i>Nuclear Non-proliferation Import and Export Control Regulations</i> <i>Nuclear Safety and Control Act</i> <i>Nuclear Security Regulations</i> <i>Nuclear Substances and Radiation Devices Regulations</i> <i>Packaging and Transport of Nuclear Substances Regulations</i> <i>Reporting of Exported Goods Regulations</i> <i>Transportation of Dangerous Goods Act</i> <i>Transportation of Dangerous Goods Regulations</i>
Other References	<u>D19-13-5, D3-1-1</u>
Superseded Memorandum D	D19-2-1 dated January 28, 2014