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| <input type="checkbox"/> Confidential - Prescribed Information |
| <input checked="" type="checkbox"/> Unclassified Information |

ORDER UNDER SECTION 35 OR PARAGRAPH 37(2)(f) OF THE NUCLEAR SAFETY AND CONTROL ACT

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| Index no./Order no. 1168 | 1. CNSC licence no. (if applicable) 13424-1-24.1 | 2. Date of order (YYYY-MM-DD) 2023-11-15 |
| 3. Company/licensee (if applicable) and address Impala Canada Ltd., 69 Yonge Street, Suite 700, Toronto, ON, M5E 1K3 | | |
| 4. Name (and title or position) of person(s) receiving the order Mike Newbold, Applicant Authority | | |
| 5a. Actions or measures required to be taken by licensee and/or other person(s) (specify) in respect of any facility, place, substance, vehicle, equipment or information (specify), including any time limits or restrictions Impala Canada Ltd. must immediately cease entry into any vessels or hoppers fitted with radiation devices. | | |
| <input type="checkbox"/> Addenda attached | | |
| 5b. This order is closed when all terms listed in 5a of this form have been fulfilled, and Impala Canada Ltd. can demonstrate, to the written satisfaction of CNSC staff, that: <ol style="list-style-type: none"> 1. They have revised the vessel/hopper entry procedures in their radiation protection program in order to comply with all requirements of Licence Condition 2052, and have amended their licence to include these revised procedures. 2. They have implemented a system of record keeping to demonstrate compliance with vessel/hopper entry procedures, including all requirements specified in Licence Condition 2052, and to ensure adequate management oversight over the procedures. 3. They have developed a training program for workers who are required to perform vessel/hopper entries, including any external contractors. 4. They have trained all workers who are currently authorized to perform vessel/hopper entry activities. | | |
| <input type="checkbox"/> Addenda attached | | |
| 6. Information on which order is based 1. The Radiation Safety Officer (RSO) had no knowledge of vessel entries performed in 2023, which points to a lack of management oversight over the procedure. During a routine compliance inspection of the licensee on October 16, 2023, the RSO stated that there have been no vessel entries since the last inspection. However, the inspector had some concerns that the RSO may not be notified of vessel entries, especially because the signage on the vessel was inadequate (no radiation warning sign or requirement to follow procedures). In the special remarks section of the Preliminary Inspection Report, the inspector made the following request: "Please verify that there have been no entries into the crusher apron feeder since 2018 (from either side of the vessel)." In his corrective measures, the RSO states that they have identified 2 instances in 2023 where the vessel has been entered, and provides the "Nuclear Source Lock-out: Survey Meter Record" form for both. 2. There are significant deficiencies in the records provided for vessel entries on September 8, 2023 and April 12, 2023. See ADDENDA for more information. | | |
| <input checked="" type="checkbox"/> Addenda attached | | |
| 7. Time limit for complying <input checked="" type="checkbox"/> Immediately <input type="checkbox"/> Specified time (YYYY-MM-DD) | | |

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| 8. CNSC inspector or designated officer making the order | |
| Name: Lindsay Pozihun | Title: Inspector, Regional Office |
| Address: 1575 Boul. Chomedey, Unit 221, Laval, QC, H7V 2X2 | Email Address: lindsay.pozihun@cnscccsn.gc.ca |
| Telephone: 438-340-5188 | Fax: (613) 995-5086 |

Signature
(certificate)

Pozihun, Lindsay

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9. Method of transmitting the order: Personal delivery Mail Email Fax Other (specify) _____

SUMMARY OF SOME RELEVANT SECTIONS OF THE NUCLEAR SAFETY AND CONTROL ACT

ORDERS OF AN INSPECTOR

35(1) Refer to this subsection for orders issued to licensees.

35(2) Refer to this subsection for orders issued to any person.

DESIGNATED OFFICERS

37(2)(f) The Commission may authorize a designated officer to make any order that an inspector may make under subsection 35(1) or (2).

PROCEDURES

38 Every order of an inspector and every order of a designated officer under paragraph 37(2)(f) shall be made, and every measure under paragraph 37(2)(c), (d) or (g) shall be taken, in accordance with the *Canadian Nuclear Safety Commission Rules of Procedure*.

COMPLIANCE WITH ORDER

41 Every person named in or subject to an order of the Commission, an inspector or designated officer shall, regardless of whether or not the person has had an opportunity to make representations with respect to the order, comply with the order within the time specified in it or, if no time is specified, immediately.

OPPORTUNITY TO BE HEARD

Refer to sections **39 and 40** of the *Nuclear Safety and Control Act*.

LIABILITY FOR COSTS

Refer to section **42** of the *Nuclear Safety and Control Act*.

OFFENCES AND PUNISHMENT

Refer to sections **48 to 65** of the *Nuclear Safety and Control Act*.





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ADDENDA

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| <input type="checkbox"/> Inspection report | Index no. | CNSC licence no. (if applicable) |
| <input checked="" type="checkbox"/> Order | 1168 | 13424-1-24.1 |

Continued from Section 6 of order #1168 (Information on which the order is based):

Specifically, the following information is not available:

1. Record of specific written authorization for entry into the vessel.
2. Records of the names of persons entering the vessel.
3. Proof that workers entering the vessel have been appropriately trained.
4. Proof that workers have been made aware of radiation dose rate values inside the vessel.

Records upon which this order is based:

Preliminary Inspection Report index D-13424-LP-231016-1 (CNSC document #7166869)
E-mail from B. Kemp to L. Pozihun on November 1, 2023, and attached documents (CNSC document # 7165167)
Addendum to D-13424-LP-231016-1 (CNSC document #7166878)

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|---|-----------------|--------------------|
| <input checked="" type="checkbox"/> Inspector | Name: | Date: (YYYY-MM-DD) |
| <input type="checkbox"/> Designated Officer | Lindsay Pozihun | 2023-11-15 |

Signature:

Pozihun, Lindsay

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