



Notice of Violation (Corporation)

Date of notice: June 25, 2024

AMP number: 2024-AMP-04

Violation committed by: JLP Services Inc. 405 York Rd, Guelph, Ontario, N1E3H3	Amount of penalty: \$ 3730
--	--

Violation

Possession of a container or device containing a nuclear substance without proper labelling in violation of Section 20(1) of the Radiation Protection Regulations.

Relevant facts

I, Karen Owen-Whitred, Acting Executive Vice-President and Chief Regulatory Operations Officer, and designated officer authorized by the Canadian Nuclear Safety Commission (CNSC) to issue notices of violations, believe on reasonable grounds that JLP Services Inc. committed the above violation. The facts relevant to the violation and the penalty calculation are as follows:

- JLP Services Inc. with an address in Guelph, Ontario, holds CNSC licence No. 11695-1-25.3 authorizing the possession, transfer, use and storage of portable gauges.
- On May 29, 2018, a Type II inspection was conducted and it was noted on the inspection report that device Serial Number : MD4090221 had a damaged radiation label which contravenes Section 20 of the *Radiation Protection Regulations*, **Labelling of Containers and Devices**, “No person shall possess a container or device that contains a nuclear substance unless the container or device is labelled with the radiation warning symbol set out in Schedule 3 and the words *Rayonnement – Danger – Radiation*, and the name, quantity, date of measurement and form of the nuclear substance in the container or device”. The licensee proposed the corrective action of replacing the label and provided an email stating that labels were ordered from a service provider.
- On November 18, 2021, a Type II inspection was conducted, and the licensee was cited for failure to comply with Section 20 of the *Radiation Protection Regulations*, **Labelling of Containers and Devices**: “Multiple devices with illegible radiation warning symbol.... Licensee must review the labeling on all of their devices to ensure full compliance.”



- On March 27, 2024, a Type II inspection was conducted, and the licensee was cited for failure to comply with Section 20 of the *Radiation Protection Regulation*, **Labelling of Containers and Devices**: “*The radiation warning sign on portable gauge SN:MD40902221 was illegible. This is a repeat finding for this licensee.*”
- On April 19, 2024, the licensee responded to the inspection report D-11695-JF-240327-1 and stated: “*...The radiation warning signs on the portable gauge is replaced.*”
- On May 1, 2024, a follow up Type II Inspection was conducted to evaluate the effectiveness of corrective actions provided by the Radiation Safety Officer. During this inspection, it was noted that there were still illegible labels on devices Serial Number: MD40902221 and Serial Number: 17146. On the same day, a Type II field inspection was conducted which identified that the label on portable gauge Serial Number: MD80504265 was illegible. The licensee failed to comply with Section 20 of the *Radiation Protection Regulations*, **Labelling of Containers and Devices**.

Based on my review of this matter, I am of the opinion that an administrative monetary penalty will deter recurrence of the above violation and promote future compliance with CNSC regulatory requirements. In consideration of the seven factors in section 5 of the *Administrative Monetary Penalties Regulations* (Canadian Nuclear Safety Commission), the amount of the penalty was determined based on the following relevant facts:

1. Compliance history: Assessed score = +2

A review of the licensee’s compliance history revealed a +2 has been assigned given this non-compliance has happened several times. A change in ownership and personnel occurred shortly after the inspection in 2021 and early 2022. The new owners were not directly responsible for the findings on May 5, 2018 but had some control to respond to citation from the inspection in 2021. The licensee was given written instructions to correct the non-compliance from the March 27, 2024 inspection and it was reported it was corrected prior to the May 1, 2024 inspection.

2. Intention or negligence: Assessed score = +2

Based on the results of the inspection carried out on May 1, 2024 a +2 has been assigned because this non-compliance was brought to the licensee’s attention as a written Notice of Non-Compliance on March 27, 2024 and that this was a repeat finding. The licensee reported in response to the March 27, 2024 inspection that they had replaced one label in question and during the May 1, 2024 inspection it was determined the label was, in fact, not replaced.

3. Actual or potential harm: Assessed score = 1

While there was no actual harm caused by this non-compliance, proper labeling is required as one method of controlling the risk related to radiation. It follows that the lack of such labeling could lead to the potential for harm; based on this rationale, a +1 has been assigned.

4. Competitive or economic benefit: Assessed score = 0



Based on the results of the inspection carried out on May 1, 2024 a 0 has been assigned as the licensee does not appear to have derived any competitive or economic benefit due to the violation.

5. Efforts to mitigate or reverse effects: Assessed score = -1

Based on the results of the inspection carried out on May 1, 2024 a -1 has been assigned as the licensee offered to immediately replace the labels during the inspection when they were presented with the fact that they had still not corrected this non-compliance. The mitigation measures were not successful and the actions were taken too late. Furthermore, the licensee was unaware of what labelling was required and were unable to correct the non-compliances immediately.

6. Assistance to Commission: Assessed score = -2

Based on the results of the inspection carried out on May 1, 2024, a -2 has been assigned because the licensee provided the requested assistance at the May 1, 2024 to the CNSC by allowing them inspect their devices, both Applicant Authority and Radiation Safety Officer were present for questions, and, upon request, provided the location and contact information for a field worker.

7. Attention of Commission: Assessed score = 0

Based on the results of the inspection carried out on May 1, 2024, a 0 has been assigned because this finding was not brought to the attention of the commission.



Penalty calculation:

(See *Administrative Monetary Penalties Regulations (Canadian Nuclear Safety Commission) SOR/2013-139*)

(a) Category of violation							
Category A <input type="checkbox"/>	Category B <input checked="" type="checkbox"/>	Category C <input type="checkbox"/>					
(b) Penalty range							
Category	Minimum	Maximum	Maximum – minimum				
A	\$1,000	\$12,000	\$11,000				
B	\$1,000	\$40,000	\$39,000				
C	\$1,000	\$100,000	\$99,000				
(c) Determining factors							
Factors	Scale of regulatory significance			Assessed score			
1. Compliance history	0 <input type="checkbox"/>	+1 <input type="checkbox"/>	+2 <input checked="" type="checkbox"/>	+3 <input type="checkbox"/>	+4 <input type="checkbox"/>	+5 <input type="checkbox"/>	2
2. Intention or negligence	0 <input type="checkbox"/>	+1 <input type="checkbox"/>	+2 <input checked="" type="checkbox"/>	+3 <input type="checkbox"/>	+4 <input type="checkbox"/>	+5 <input type="checkbox"/>	2
3. Actual or potential harm	0 <input type="checkbox"/>	+1 <input checked="" type="checkbox"/>	+2 <input type="checkbox"/>	+3 <input type="checkbox"/>	+4 <input type="checkbox"/>	+5 <input type="checkbox"/>	1
4. Competitive or economic benefit	0 <input checked="" type="checkbox"/>	+1 <input type="checkbox"/>	+2 <input type="checkbox"/>	+3 <input type="checkbox"/>	+4 <input type="checkbox"/>	+5 <input type="checkbox"/>	0
5. Efforts to mitigate or reverse effects	-2 <input type="checkbox"/>	-1 <input checked="" type="checkbox"/>	0 <input type="checkbox"/>	+1 <input type="checkbox"/>	+2 <input type="checkbox"/>	+3 <input type="checkbox"/>	-1
6. Assistance to Commission	-2 <input checked="" type="checkbox"/>	-1 <input type="checkbox"/>	0 <input type="checkbox"/>	+1 <input type="checkbox"/>	+2 <input type="checkbox"/>	+3 <input type="checkbox"/>	-2
7. Attention of Commission	-2 <input type="checkbox"/>	-1 <input type="checkbox"/>	0 <input checked="" type="checkbox"/>	+1 <input type="checkbox"/>	+2 <input type="checkbox"/>	+3 <input type="checkbox"/>	0
Total							2
÷ 29 ⁽¹⁾ [rounded to 2 decimal points]=							0.07
x 39000							
[total] =							2730
+ \$ 1000 [minimum for the category] =							\$3730

⁽¹⁾29 being the maximum value of regulatory significance



4.0—ATTACHMENTS

- eDoc: [7287496](#) - Penalty calculation worksheet
- eDoc : [7288516](#) - Draft Notice of Violation
- eDoc : [5556457](#) - Correspondence with Licensee on replacing label as a result of the May 5, 2018, inspection
- eDoc : [7289531](#) - Inspection Report from November 18, 2021, Index D-11695-DK-211118-1
- eDoc : [7290016](#) - Inspection Report from March 27, 2024, Index D-11695-JF-240327-1
- eDoc : [7270166](#) - Licensee response to Report Index D-11695-JF-240327-1 indicating the non-compliance has been corrected
- eDoc : [7274648](#) - Photographs from follow-up inspections conducted on May 1, 2024 showing 3 devices with non-compliant labelling.



To request a review

As a person subject to an administrative monetary penalty, you have the right to request a review of the amount of the penalty or the facts of the violation, or both. Your request must be made in writing indicating the reasons why you are requesting a review and providing supporting information.

If you choose to request a review, you must do so in writing by July 25, 2024 to:

Canadian Nuclear Safety Commission
c/o Candace Salmon
Commission Registrar
P.O. Box 1046, Station B
Ottawa, ON K1P 5S9

Fax: (613) 995-5086
Telephone: (613) 995-6506
Email: registry-greffe@cnsccsn.gc.ca

Payment

You may pay this administrative monetary penalty by sending a cheque to:

Receiver General for Canada
c/o Canadian Nuclear Safety Commission
Finance Division
P.O. Box 1046, Station B
Ottawa, ON K1P 5S9

For other payment methods and further instructions, please refer to the attached notice of payment due.

Should you neither pay the penalty nor exercise your right to a review, you will be considered as having committed the violation and will be liable to the penalty set out herein.



Issued by

Karen Owen-Whitred
Designated Officer

Date

Telephone: 613-410-8644

Email: karen.owen-whitred@cnsccsn.gc.ca