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<input checked="" type="checkbox"/> Unclassified Information

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

<b>Index no./Order no.</b> 1252	<b>1. CNSC licence no. (if applicable)</b> 15071-1-24.0	<b>2. Date of order (YYYY-MM-DD)</b> 2021-10-01
<b>3. Company/licensee (if applicable) and address</b> Cool Beer Brewing Co. Incorporated 164 Evans Avenue, Toronto, ON M8Z 1J4		
<b>4. Name (and title or position) of person(s) receiving the order</b> Bobby Crecouzios, Applicant Authority		
<b>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</b> The licensee must immediately cease the use of the radiation device (Industrial Dynamics FT-50, serial number 112543) located at 164 Evans Avenue, Toronto until a qualified individual, acceptable to the CNSC, has been appointed by the licensee to serve as Radiation Safety Officer as per Section 15 of the General Nuclear Safety and Control Regulations and it can be demonstrated to the satisfaction of the CNSC that the licensee has management control over work practices as required under Section 4 of the Radiation Protection Regulations.		
<input type="checkbox"/> Addenda attached		
<b>5b. This order is closed when all terms listed in 5a of this form have been fulfilled, and</b> CNSC staff is satisfied with the corrective actions implemented by the licensee to :  1. Put in place a trained and qualified Radiation Safety Officer who is informed of and accepts their job duties for this position as described on page 7 under "Radiation Safety Officer (Job Description)" in the licensee's "Cool Beer Brewing Company Limited Radiation Safety Manual, Revised July 31, 2019" as appended to the current licence. 2. Provide evidence that workers who operate or work in the vicinity of the radiation device have received all required training as described on page 16 under "Worker Authorization and Training" in the licensee's "Cool Beer Brewing Company Limited Radiation Safety Manual, Revised July 31, 2019" as appended to the current licence. 3. Provide evidence that the radiation device has a current leak test as required under Nuclear Substances and Radiation Devices Regulations,(NSRD) Section 18 (1)(d). 4. Provide evidence that there is a trained person identified to implement the licensee's emergency response and gauge safety procedures as described on pages 5, 21 and 22 in the licensee's "Cool Beer Brewing Company Limited Radiation Safety Manual, Revised July 31, 2019" as appended to the current licence.		
<input type="checkbox"/> Addenda attached		
<b>6. Information on which order is based</b> During an announced, routine onsite Type II inspection conducted September 24, 2021 and a subsequent follow-up onsite verification conducted September 28, 2021, the following significant deficiencies were identified:  - there is no trained and responsible Radiation Safety Officer (RSO) appointed who can provide an acceptable level of oversight to ensure the safe operation and maintenance of the radiation device or to implement any emergency procedures related to the device. This condition has persisted since the departure of the previous RSO in April 2021. - based on interviews and observations conducted by the inspector, workers are operating or working within the vicinity of the radiation device with no evidence of current radiation safety training as required by the licensee's Radiation Protection Program (RPP). - during the first inspection of September 24, 2021 the licensee was unable to produce a single prescribed record to demonstrate compliance with the regulations and their internal RPP. Despite verbal commitments to the inspector to locate such records and being granted an additional four (4) calendar days to find such records, the licensee failed to make any efforts to comply with the inspector's request.		
<input type="checkbox"/> Addenda attached		
<b>7. Time limit for complying</b> <input checked="" type="checkbox"/> Immediately <input type="checkbox"/> Specified time (YYYY-MM-DD)		

8. CNSC inspector or designated officer making the order	
Name: Paul Denhartog	Title: Inspector
Address: 5800 Hurontario Street, Suite 10-75, Mississauga, ON L5R 4B4	Email Address: paul.denhartog@cnscccsn.gc.ca
Telephone: 905-301-8810	Fax: (613) 995-5086
Signature:	
9. Method of transmitting the order: <input checked="" type="checkbox"/> Personal delivery <input type="checkbox"/> Mail <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> 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*.

