



## Notice of Violation (Individual)

---

**Date of notice: March 10, 2017**

**AMP number: 2017-AMP-04**

<b>Violation committed by:</b>  Bruno Ricignuolo	<b>Amount of penalty:</b>  \$ 1,949
--	---

### Violation

Failure of carrier to comply with IAEA Regulations in violation of paragraph 25(4)(a) of the Packaging and Transport of Nuclear Substances Regulations 2015.

Specifically: Failure to comply with IAEA Regulations SSR-6 paragraph 574  
In the case of road vehicles, no persons other than the driver and assistants shall be permitted in vehicles carrying packages, overpacks or freight containers bearing category II-YELLOW or III-YELLOW labels.

### Relevant facts

I, Colin Moses, Director General of the Directorate of Nuclear Substances Regulation and designated officer authorized by the Canadian Nuclear Safety Commission (CNSC) to issue notices of violations, believe on reasonable grounds that Bruno Ricignuolo committed the above violation. The facts relevant to the violation and the penalty calculation are as follows:

- On September 24, 2016, a consignment of packages containing radioactive medical isotopes was picked up from FedEx Mirabel destined to the hospital in Chandler, QC.
  - The shipping documents indicate that the consignment consisted of two packages: one package with a II-Yellow label and one with a III-Yellow label.
  - The Bill of Lading confirm that Mr. Bruno Ricignuolo picked up the consignment of packages containing radioactive medical isotopes at FedEx Mirabel on September 24, 2016 and that these were delivered to the hospital in Chandler, QC on September 25, 2016.
- Around noon on September 24, 2016, Mr. Bruno Ricignuolo picked up passengers in Montreal to drive them to the Gaspésie region of Québec.
- When Mr. Bruno Ricignuolo picked up the passengers, the two packages remained in the vehicle. No Class 7 placards were displayed on the vehicle as required by section 4.15 of the Transportation of Dangerous Goods Regulations.



- Paragraph 25(4)(a) of the *Packaging and Transport of Nuclear Substances Regulations 2015* refers to paragraph 574 of the IAEA Regulations and states that: In the case of road vehicles, no persons other than the driver and assistants shall be permitted in vehicles carrying packages, overpacks or freight containers bearing category II-YELLOW or III-YELLOW labels.
  - On September 24, 2016, Mr. Bruno Ricignuolo violated paragraph Paragraph 25(4)(a) of the *Packaging and Transport of Nuclear Substances Regulations 2015*
- According to the carrier's investigation report, provided to the CNSC and reviewed by CNSC staff:
  - Mr. Bruno Ricignuolo admitted that he had transported passengers while transporting packages with II-Yellow and III-Yellow labels.
  - Mr. Bruno Ricignuolo admitted that he did not display the required Class 7 placards on his vehicle.
- On December 7, 2016, Mr. Ricignuolo acknowledged having transported the consignment with passengers on board and without displaying the required placards to a CNSC inspector. He also admitted having transported passengers on other occasions.

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 = 0

The CNSC has no records of inspection pertaining to Mr. Bruno Ricignuolo.

2. Intention or negligence: Assessed score = 3

Records provided by the carrier demonstrate that Mr. Ricignuolo had been trained on the applicable regulations and requirements to transport radioactive material and would have had full awareness that the transport of category II-YELLOW or III-YELLOW packages with passengers was not permitted. Not placarding the vehicle suggests a degree of intent to commit the violation

3. Actual or potential harm: Assessed score = 2

The actions of Mr. Bruno Ricignuolo resulted in an unnecessary exposure to radiation to members of the public. The dose reconstruction performed by the CNSC determined that the passengers sitting in the last row of the vehicle on September 24, 2016 going from Montreal QC to Gaspésie QC have received a dose above the dose limit for members of the public of 1 mSv. Other instances where passengers were onboard the vehicle while carrying radioactive material resulted in an unnecessary exposure to radiation to members of the public, contrary to the ALARA principle.

4. Competitive or economic benefit: Assessed score = 1



Mr. Bruno Ricignuolo received an economic benefit as a result of this violation. He charged his passengers a fee for the ride in his vehicle while carrying radioactive material for his employer.

5. Efforts to mitigate or reverse effects: Assessed score = 0

The violation did not result in any effects requiring mitigation.

6. Assistance to Commission: Assessed score = -1

When contacted by CNSC staff, Mr. Bruno Ricignuolo admitted the facts and provided assistance by answering the questions to the best of his knowledge. Mr. Ricignuolo was not able to provide any additional information on other passengers.

7. Attention of Commission: Assessed score = 0

The situation was reported through the CNSC whistle blower process.



## Penalty calculation:

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

**(a) Category of violation**

Category A                       Category B                       Category C

**(b) Penalty range**

Category	Minimum	Maximum	Maximum – minimum
A	\$300	\$3,000	\$2,700
<b>B</b>	<b>\$300</b>	<b>\$10,000</b>	<b>\$9,700</b>
C	\$300	\$25,000	\$24,700

**(c) Determining factors**

Factors	Scale of regulatory significance	Assessed score
1. Compliance history	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
2. Intention or negligence	0 <input type="checkbox"/> +1 <input type="checkbox"/> +2 <input type="checkbox"/> +3 <input checked="" type="checkbox"/> +4 <input type="checkbox"/> +5 <input type="checkbox"/>	3
3. Actual or potential harm	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
4. Competitive or economic benefit	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
5. Efforts to mitigate or reverse effects	-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
6. Assistance to Commission	-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
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
<b>Total</b>		<b>5</b>
÷ 29 <sup>(1)</sup> [rounded to 2 decimal points]=		<b>0.17</b>
× 9,700		
[total] =		<b>1,649</b>
+ \$ 300 [minimum for the category] =		<b>\$ 1,949</b>

<sup>(1)</sup>29 being the maximum value of regulatory significance



## 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 April 9, 2017 to:

Canadian Nuclear Safety Commission  
c/o Marc Leblanc  
Commission Secretary  
P.O. Box 1046, Station B  
Ottawa, ON K1P 5S9

Fax: (613) 995-5086  
Telephone: (613) 995-6506  
Email: [cnscc.interventions.ccsn@canada.ca](mailto:cnscc.interventions.ccsn@canada.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

---

Colin Moses  
Designated Officer

---

Date

Telephone: 613-993-7699

Email: colin.moses@canada.ca