



Future Amendments the Nuclear Security Regulations: Granting Peace Officer Powers, Initiating a Complaints Investigation Mechanism, and Transferring of Firearm Ownership to Licensees

Discussion Paper DIS-24-04



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Document availability

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1. Purpose

The purpose of this paper is to outline the CNSC's proposals to amend the [Nuclear Security Regulations](#) (NSR) to support the new authorities it will receive as a result of the changes to be made to the [Nuclear Safety and Control Act](#) (NSCA); and, to seek stakeholder feedback on its proposals.

Note:

Interested parties should note that the CNSC is currently repealing and replacing the NSR and updating the associated 2.12 REGDOC security series of documents. This repeal replace package **does not relate** to the changes set out in this document. The CNSC anticipates that repeal and replace package will be published in Canada Gazette 2 in 2025 and will fully come into effect for all affected licensees in 2027.

The CNSC is simultaneously developing an independent and distinct regulatory package encompassing the amendments proposed in this paper. This package is targeted for public consultation in Canada Gazette 1 in 2026/27 and Canada Gazette 2 in 2027/28. Licensees will have one year to comply with the amended NSR.

2. Background

The CNSC regulates the use of nuclear energy and materials to protect the health, safety and security of Canadians and the environment, and to implement Canada's international commitments on the peaceful use of nuclear energy. As part of accomplishing this mandate, the CNSC regulates nuclear security under the [General Nuclear Safety and Control Regulations](#) (GNSCR) and the (NSR).

There are several high-security sites in Canada. Due to the presence of highly radioactive material at these facilities, a security event could result in radiological releases to the environment with the potential to significantly impact the health of Canadians and the environment.

To address this risk, several layers of security measures including armed on-site security personnel are deployed at high-security sites to prevent security events. This approach is consistent with other nuclear nations and assists in meeting Canada's international obligations.

On-site response

Nuclear Response Force (NRF) members are a highly trained subset of Nuclear Security Officers (NSOs) at licensed facilities. NRF members are armed and responsible for serving as first responders to serious threats to the security of a nuclear facility until other forces (police of jurisdiction) can be dispatched. More broadly, NRF:

- control the movement of persons, materials and land vehicles;
- conduct searches of persons, materials and land vehicles for weapons, explosive substances and nuclear material;
- conduct preventive foot and land vehicle patrols of the facility and the perimeter of the protected area to inspect for security breaches and vulnerabilities;
- respond to and assess alarm incidents;
- apprehend and detain unarmed intruders;
- observe and report on the movements of armed intruders; and
- operate security equipment and systems.

Use of firearms to protect high-security nuclear sites

The CNSC, as an agency of the Government of Canada, currently owns and is accountable for the firearms and associated equipment used by NSOs and NRF members to protect high-security sites. The CNSC inspects and holds licensees accountable for the management (use, storage, transport) of these firearms and prescribed equipment. Bill C-21 proposed to transfer the ownership and accountability to the licensees, subject to an authorization granted by the CNSC. Licensees will continue to be held accountable regarding the use of the firearms and prescribed equipment.

Bill C-21: An Act to amend certain Acts and to make certain consequential amendments (firearms)

Bill C-21 proposed changes to the (NSCA) related to nuclear security, requiring the CNSC to amend the NSR to implement the following:

1. Designating Nuclear Security Officers as Peace Officers and granting the following limited powers:
 - a. verifying the identity of any individual;

- b. conducting searches of individuals and things;
 - c. arresting without a warrant, in accordance with the *Criminal Code of Canada* (Criminal Code), any individual whom the nuclear security officer finds committing an offence under the NSCA, the Criminal Code or the *Controlled Drugs and Substances Act* that poses a risk to the safety or security of the site or any individual whom the nuclear security officer believes on reasonable grounds has committed or is about to commit such an offence at the site; and
 - d. seizing any thing that could pose a risk to the safety or security of the site.
2. Developing and implementing a process for the public to file, and for the CNSC to investigate (non-Criminal Code-related) complaints against peace officers; and
 3. Authorizing a licensee (with or without conditions) operating a high-security site to acquire, possess, transfer, and dispose of firearms, prohibited weapons, and prohibited devices.

Bill C-21: received Royal Assent on December 15, 2023. Readers should note that the abovementioned changes to the NSCA will come into force simultaneously with the proposed changes to the NSRs outlined in this paper.

3. Scope

This paper outlines the CNSC's proposal to amend NSR to support the new authorities it will receive as a result of the changes made to the NSCA; and, includes the anticipated impacts to national security, the health and safety of persons and the environment.

4. Granting of Peace Officer Powers and Limitations

Amendments to the NSCA made by bill C-21 (S.C. 2023, c. 32) at sections 49 to 51 will provide nuclear security officers and on-site nuclear response force members with the authority to carry out the duties of peace officers at high-security nuclear sites; and will permit licensees who operate high-security nuclear sites to acquire, possess, transfer and dispose of firearms, prohibited weapons and prohibited devices used in the course of maintaining security at high-security nuclear sites.

The amendments reflect the following:

“The Commission may, in accordance with the regulations,

- (a) designate any nuclear security officer as a peace officer for a high-security site; and*
- (b) suspend or revoke the designation.”*

As such, the Commission will amend the NSR to set out the process for designating any NSO as a peace officer and a process for the suspension or revocation of the designation. The statutory amendments also provide the following detail with respect to the effect of designation and the limits on the powers of an NSO designated as a peace officer:

“Effect of designation

(2) Subject to subsection (3), a nuclear security officer who is designated as a peace officer is a peace officer within the meaning of the Criminal Code for the purpose of performing their duties and functions at the high-security site for which they are designated and for the purpose of performing any prescribed off-site duties and functions that are ancillary to their duties and functions at the site.

Limits on powers

(3) A nuclear security officer who is designated as a peace officer may exercise only the following powers as a peace officer and may do so only at the high-security site for which they are designated:

- (a) verifying the identity of any individual;*
- (b) conducting searches of individuals and things;*
- (c) arresting without a warrant, in accordance with the Criminal Code, any individual whom the nuclear security officer finds committing an offence under this Act, the Criminal Code or the Controlled Drugs and Substances Act that poses a risk to the safety or security of the site or any individual whom the nuclear security officer believes on reasonable grounds has committed or is about to commit such an offence at the site; and*
- (d) seizing any thing*
 - (i) that the nuclear security officer believes on reasonable grounds poses a risk to the safety or security of the site, or*
 - (ii) in relation to which the nuclear security officer believes on reasonable grounds that an offence referred to in paragraph (c) has been, is being or is about to be committed.”*

4.1 Limitations on Peace Officer powers

In light of the above, the NSR will be amended to reflect the following limited powers afforded to Peace Officer designated by the Commission:

- Officers may verify the identify of any individual, conduct searches of individuals and things, and seize anything on the licensed site that the NSO believes that may pose a risk to the safety or security of the site.
- Officers may arrest without warrant any individual committing an offence under the NSCA, the [Criminal Code \(R.S.C., 1985, c. C-46\)](#), or the [Controlled Drugs and Substances Act \(S.C. 1996, c. 19\)](#) that pose a risk to the safety and security of the facility or any individual whom the nuclear security officer believes on reasonable grounds has committed or is about to commit such an offence at the site.
- Officers cannot make arrests, seize items, use force, or otherwise exercise Peace Officer powers outside the site boundary. Areas outside of the site boundary are under the jurisdiction of local law enforcement.
- If there is an arrest or seizure on-site, the police force of jurisdiction will be called in for a handover on-site as per existing memoranda of understanding.

Peace Officers may be required to conduct prescribed off-site duties that are ancillary to their on-site duties. This includes securely transporting their firearms to a shooting range and/or to a suitable training facility. The NSR will also be amended to reflect these ancillary duties.

4.2 Granting of Peace Officer designation

4.2.1 Criteria to become a Peace Officer

The Commission will have the authority to grant an individual Peace Officer status, and only after it is demonstrated that the individual meets all necessary qualifications and training. As a result, the NSR or the 2.12. REGDOC series documents will be amended to outline that the following criteria will need to be met in order to apply for Peace Officer status:

- be a NSO or an NRF member who is currently employed with a high-security site
- possess facility Site Security Clearance equivalent to “Secret” level under the [Standard on Security Screening](#); including a law enforcement inquiry¹
- a [Medical Certificate](#)²
- a [Physical Fitness Certificate](#)²
- a [Psychological Certificate](#)²
- documented proof of training in the use of force and prohibited devices (i.e., OC spray, baton if carried)³
- documented proof of minimum training on duties and responsibilities³
- valid First Aid and CPR certificate³
- valid Driver’s Licence³
- Valid Possession and Acquisition Firearm card³
- Documented proof of qualifications and training in the use of firearms, prohibited equipment and prohibited devices³
- Equipped in accordance with CNSC requirements³
- Documented proof of NSO drug and alcohol pre-placement testing⁴

4.2.2 Failure to maintain criteria and ineligible to perform Peace Officer duties

The NSR will be amended to include clauses in the NSR requiring licensees to immediately notify the Commission of:

- the failure of any NSO/NRF member designated as Peace Officer to maintain any of the criteria listed in 3.2.1.; and,
- any changes that may result in a NSO/NRF member no longer being eligible to perform the Peace Officer duties.

The CNSC will include a clause in the NSR stating that once notified, the CNSC will immediately suspend the NSO/NRF member’s Peace Officer designation and that licensees will

¹ current section 18.2 in NSR

² REGDOC-2.2.4: *Fitness for Duty, Volume III : Nuclear Security Officer Medical, Physical and Psychological Fitness*

³ REGDOC 2.12.1 *High Security Sites: Volume 1: Nuclear Response Force*

⁴ REGDOC-2.2.4: *Fitness for Duty, Volume II*

be expected to exclude these individuals from any related duties until such time that they can fulfill the requirements.

Peace Officer designations may be reinstated once the licensee has demonstrated to the Commission that the NSO/NRF member has fulfilled all criteria.

4.2.3 Anticipated Process to Apply for Peace Officer Status

The CNSC has drafted the following tentative process for NSOs/NRF members to apply for Peace Officer status:

- Existing licensees will be expected to supply the Commission with a list of NSOs/NRF members along with documentation supporting the criteria listed in 3.2.1. Licensees may transmit the information via the secure [CNSC's File Exchange](#) to the CNSC's Registrar. Incomplete applications will be returned to the licensee and not processed until all information / supporting documents are provided.
- CNSC Registrar staff will review the applications and provide recommendations to the Commission to either grant or deny the applicant(s) Peace Officer status
- The Commission will consider the applications and the recommendations from CNSC staff and will either grant or deny Peace Officer status to the individual NSOs/NRF members
- The CNSC's Registrar will inform licensees (in writing) of the Commission's decision and will issue each NSO/NRF a Peace Officer document for identification purposes.

Documents received during the application process will be stored and protected in accordance with Government of Canada policies and procedures.

The CNSC is exploring options whether this process will be incorporated into the NSR or documented into the REGDOC 2.12. series.

5. Complaints Investigation Mechanism

27.3 (6) of the NSCA will be amended as follows:

“The Commission shall, in accordance with the regulations, ensure that there is a process for handling complaints with respect to the conduct of nuclear security officers in the exercise of their powers or the performance of their duties and functions as peace officers”.

The CNSC will design, establish, and maintain a complaints review process in the NSRs that will investigate the non-criminal conduct of Peace Officers performing duties on high security sites.

This new process will refer any complaints resulting from use-of-force incidents or criminal matters to the police force of jurisdiction and matters will be dealt with through the normal justice system.

Readers should note that the CNSC already has a complaints process for allegations associated with activities and facilities regulated by the CNSC or allegations associated with CNSC staff behaviour. The following is based on this process and will be used to file and investigate complaints involving the non-criminal conduct of NSOs/NRF members acting as Peace Officers:

1) Complaint is filed with the CNSC:

Individuals are expected to file their complaint with the CNSC by email, in person, or via the toll-free number provided on the CNSC website.

The complaint will be provided to the CNSC's Office of Values and Ethics (OVE). The OVE resides within the Internal Audit, Evaluation and Ethics Division of the CNSC and is independent from staff and reports directly to the President. The OVE team is trained to perform administrative investigations

The OVE will notify the licensee that a complaint has been filed in regard to the conduct of its NSO(s)/NRF member(s). The licensee will be responsible for notifying the implicated NSO(s)/NRF member(s) immediately. If the implicated NSO(s)/NRF member(s) are unionized, it is suggested that the licensee advise the individual(s) of their right to representation.

The OVE will acknowledge the receipt and inform the complainant that the CNSC will follow due process. It is at this time that it may be necessary to prompt the complainant for specific information and requesting evidence. While electronic communications are favoured, certain issues, especially urgent ones, may require face-to-face interactions. OVE will engage in these activities.

The OVE will designate and secure all documentation received relating to the complaint in accordance with Government of Canada policies and procedures.

2) Preliminary assessment:

In this phase, the OVE) will conduct an initial assessment of the information reported by the complainant to determine if the complaint contains any legitimate allegations of criminal behaviour or if it is without merit.

Complaints involving allegations of a crime will be immediately referred to the police of jurisdiction; whereas complaints seemingly made in bad faith may be dismissed after a review. In both circumstances, the complainant will be advised that their complaint has been transferred or dismissed.

Complaints involving non-criminal actions from NSOs / NRF members will be investigated by members of the CNSC's OVE.

3) Conduct fact finding analysis:

In this phase, OVE will conduct its full investigation including conducting interviews; reviewing evidence such as video camera surveillance, witness statements, etc.; reviewing NSO / NRF reports; reviewing policies, procedures and/or any documents outlining the licensee's expectation for employee conduct.

Depending on the nature of the complaint, the availability of resources, appearance of conflict, the OVE may seek the assistance of an independent third party to conduct the investigation and provide a summary report of its findings.

The OVE will generate an assessment report and containing its findings and any recommended actions to be taken. OVE will provide the Commission with a copy of the report.

4) Transmittal of assessment report and implementation of corrective action

In this phase, the OVE will transmit the assessment report to the complainant as well as the licensee to address the recommendations and/or implement any corrective actions it deems fit.

The licensee will be expected to notify the CNSC if corrective actions involve suspension / termination of NSOs/NRF members.

5) Suspension and/or revocation of Peace Officer designations

The Commission may, under its powers, suspend or revoke the Peace Officer designation following the results of the investigation. In such circumstances, the Commission will notify the licensee and the complainant of its decision. The licensee and/or the NSO/NRF member may file an appeal with the CNSC.

5.1 Appeals

The following is the anticipated appeals process should a Peace Officer designation be suspended or revoked by the Commission following the results of an investigation:

- The licensee and/or the implicated NSO/NRF member may appeal the Commission's decision to suspend/revoke their Peace Officer designation. The licensee and/or NSO/NRF member must file a written appeal along with all supplementary evidence and submit it to the CNSC within 60 days of the suspension /revocation.
- The appeal must outline on what grounds the licensee and/or NSO/NRF member is requesting the appeal and what outcome is requested.
- The OVE will acknowledge receipt of the appeal and supplementary documents and review both in a timely fashion. The OVE will submit its recommendation(s) to the Commission for consideration.
- The Commission will render its decision to either uphold the suspension/revocation or reinstate the designation within 120 days from the receipt of the appeal. This will be considered the final decision.

6. Firearm Ownership and Oversight The amendments to the NSCA will allow the CNSC to authorize licensees of high-security sites to acquire, possess, transfer and dispose of firearms, prohibited weapons and prohibited devices to maintain security at high-security sites.

27.4 (1)(2)(3)(4) and (5) of the NSCA will be amended as follows:

“Despite Part III of the Criminal Code and the Firearms Act, and subject to subsection (2), the Commission may grant an authorization, with or without conditions, to a licensee who operates a high-security site to acquire, possess, transfer and dispose of firearms, prohibited weapons and prohibited devices in order to carry out the responsibility referred to in subsection 27.1(1).”

Restriction

(2) An authorization granted under subsection (1) may authorize a licensee to transfer firearms, prohibited weapons and prohibited devices only to a public service agency or to another licensee to whom an authorization has been granted under that subsection.

Transfer to licensee

(3) Despite Part III of the Criminal Code and the Firearms Act, the Commission, a public service agency or any person in lawful possession of firearms, prohibited weapons or prohibited devices may transfer firearms, prohibited weapons and prohibited devices to a licensee to whom an authorization has been granted under subsection (1).

Reporting to Registrar of Firearms

(4) A licensee to whom an authorization is granted under subsection (1) shall, as if the licensee were a public service agency, provide the Registrar of Firearms referred to in section 82 of the Firearms Act with the advisory information referred to in section 12 of the Public Agents Firearms Regulations and the reports referred to in sections 8 to 10, 11, 13, 14 and 16 of those Regulations. However, any reference to “October 31, 2008” in those Regulations is to be read as a reference to the day on which the authorization is granted to the licensee and any reference to “October 31, 2009” in those Regulations is to be read as a reference to the first anniversary of the day on which the authorization is granted.

Reporting to Commission

(5) A licensee to whom an authorization is granted under subsection (1) shall, in accordance with the regulations, report to the Commission with respect to the advisory information and reports that the licensee provides under the Public Agents Firearms Regulations.”

6.1 Authorization and revocation of authorizations

Under the new amendments to the NSCA, the Commission must first authorize a licensee to acquire, possess, transfer and dispose of firearms, prohibited weapons and prohibited devices.

The CNSC will set the conditions for these authorizations, as well the authority to amend or revoke any authorization at any time in the NSR.

In consultation with the RCMP, the CNSC will enshrine the following authorization process in the NSR:

- Licensees / applicants apply to the CNSC for an authorization.
- CNSC staff will assess the application and present its recommendation to the CNSC Commission on whether to grant or deny an authorization to the applicant. Decisions will be made by the Commission.
- The CNSC will provide the RCMP with a list of licensees authorized to acquire, possess, transfer and dispose of firearms, prohibited weapons and prohibited items
- The RCMP will issue each licensee with a Public Agency Identification Number (PAIN) that will permit the licensee to acquire, possess, transfer and dispose of firearms, prohibited weapons and prohibited items

The following will be the conditions where the Commission will revoke an authorization:

- when the organization is no longer a licensee
- when the organization no longer requires the armed protection of NSOs / NRFs
- for cause

6.2 Transfer of Ownership

The CNSC will transfer ownership of firearms used at high-security sites to the licensees that operate them once the licensee has obtained the Commission’s authorization and acquired its RCMP-issued PAIN.

6.3 Storage and Use of Firearms

Licensees are required to store firearms in accordance with the [Storage, Display, Transportation and Handling of Firearms by Individuals Regulations \(SOR/98-209\)](#). This requirement will be enshrined in the NSR. The CNSC has and will continue to verify licensees' on-going compliance with these regulations, through its periodic inspections.

6.4 Oversight

As outlined above, the amendments to the NSCA will require the authorized licensees to report their firearm inventories to the Registrar of Firearms in the same way that public agents are required to report under the [Public Agents Firearms Regulations \(SOR/98-203\)](#). Alignment with the Public Agents Firearms Regulations ensures adherence to section 85(1) of the [Firearms Act \(S.C. 1995, c. 39\)](#) that requires that the Registrar of Firearms maintain a registry of firearms with accurate, up-to-date inventories.

The CNSC will still conduct inspections to verify inventories and review procedures to ensure they are aligned with regulations and expectations. The CNSC will report any inventory issues to the Registrar should they arise.

Lack of proper accounting and reporting may result in the revocation of a licensee's authorization. Any decisions to revoke an authorization must be made by the Commission.

7. Preliminary Impact Analysis

Departments and agencies must analyze the impacts on all regulatory proposals, to support stakeholder engagement and evidence-based decision-making. Impact analysis must examine potential positive and negative effects of a regulatory proposal on the health, safety, security, social and economic well-being of Canadians, businesses, and on the environment.

More specifically, the Treasury Board Secretariat's [Cabinet Directive on Regulation](#) requires departments and agencies must consider costs and benefits, impacts on the environment, Gender-based analysis plus (GBA+), minimizing burden on business, modern treaty obligations, etc.

The CNSC has conducted an internal review and does not expect that these proposals will have a significant impact on the licensees' day-to-day operations as firearms have been used and managed by licensees and NSO/NRF members have been conducting Peace Officer-related activities for over 20 years without incident. Despite this, the changes to the NSCA also provides the Commission with powers to oversee and, if needed, revoke the use of firearms and Peace Officer activities at licensed activities.

Readers of this paper are encouraged to supply the CNSC with any impacts, data, etc., which may have been missed or over/understated.

8. Future Public Consultations and How to Provide Feedback

Future public consultations with the nuclear industry, government departments, Indigenous Nations and communities, civil society etc. may be held regarding the development of Bill C-21-related regulatory amendments.

Notification of these opportunities will be posted on the CNSC's online consultation platform at [Let's Talk Nuclear Safety](#). To gain further feedback from interested parties and to promote better understanding of the impacts from the proposed amendments, workshops will also be held during the consultation period.

Interested parties will have the opportunity to comment on this paper either on Let's Talk Nuclear Safety or via [email](#). Interested parties could comment on the draft changes to the regulations through our normal development process.