



June 30, 2015

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Canadian Nuclear Association Comments on the CNSC's Proposal to Amend the Nuclear Non-proliferation Import and Export Control Regulations

The Canadian Nuclear Association (CNA) has approximately 100 member companies, representing over 60,000 Canadians [1] employed directly, or indirectly, in exploring and mining uranium, generating electricity, and advancing nuclear medicine. The members of the CNA are committed to ensuring safety throughout all aspects of our industry, and being responsible environmental stewards.

The Canadian Nuclear Association, along with its members, have reviewed Discussion Paper DIS-15-01, *Proposal to Amend the Nuclear Non-proliferation Import and Export Control Regulations* [2].

The schedules in the Nuclear Non-proliferation Import and Export Control Regulations overlap in their entirety with the Group 3: Nuclear Non-Proliferation List and Group 4: Nuclear-Related Dual-Use List in the Export Control List, which is included in *A Guide to Canada's Export Controls* [3]. It is unclear how this approach, where the same items are regulated for export controls by the CNSC and the Department of Foreign Affairs Trade and Development Canada, satisfies the Government of Canada's Red Tape Reduction Plan.

In Section 2.1 of the paper, the CNSC proposes to clarify the description of technology to address "intangible technology transfer". However the document does not provide a definition of how this term is defined.

In Section 2.5 of the discussion paper it is proposed to delete the term "prescribed information" from Section 18 of the General Nuclear Safety and Control Regulations. This is desirable to address the impracticality of presenting the import or export licence to a customs officer for intangible transfers. However, the proposed change to Section 18 also means that tangible transfers of prescribed information will not be subjected to the same requirements as tangible transfers of nuclear substances or prescribed equipment. Without a clear understanding regarding presenting the import or export licence to a customs officer for tangible transfers of prescribed information, there could be confusion in the future.

Section 2.5 would benefit from the addition of clarification with regard to: 1) the relationship between prescribed information and controlled nuclear information and 2) the relationship between prescribed



equipment and controlled nuclear substances. Clarification on these matters would help avoid any confusion in the future.

We thank you for your consideration in this matter. If you or your staff require further clarification on any of the above information, please do not hesitate to contact me at 613-237-4262.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Peter Poruks', written over a horizontal line.

Dr. Peter Poruks
Manager of Regulatory Affairs
Canadian Nuclear Association

Cc.

Dr. John Barrett, President, Canadian Nuclear Association
Mr. Steve Coupland, Director of Environmental Affairs, Canadian Nuclear Association

References

- [1] Canadian Manufacturers and Exporters, 2012, *Nuclear, A Canadian Strategy for Energy, Jobs and Innovation* 2012 September presentation deck.
- [2] Canadian Nuclear Safety Commission, *Proposal to Amend the Nuclear Non-proliferation Import and Export Control Regulations*, DIS-15-01, March 2015.
- [3] Foreign Affairs, Trade and Development Canada, *A Guide to Canada's Export Controls*, 2011.