



April 29, 2014

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Canadian Nuclear Association Comments on RegDoc-2.13.2, Safeguards and Non-Proliferation: Import and Export

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 RegDoc-2.13.2, *Safeguards and Non-Proliferation: Import and Export*, [2]. We thank CNSC staff for providing the opportunity to review this document prior to any changes being placed in the Canada Gazette.

There are two items of significant concern to our members that we wish comment on and bring to the attention of CNSC staff.

1. Non-CNSC Export Requirements

The RegDoc notes in Section 5.6 that along with export authorization requirements from the CNSC for nuclear and nuclear-related dual-use-items, the export of these items may also be controlled by Foreign Affairs, Trade and Development Canada pursuant to the *Export and Import Permits Act* [3].

The Canadian nuclear industry would greatly appreciate a single permit and licensing process for the exporting and importing of Controlled Nuclear Substances, Equipment and Information. Having duplicate regulation among several regulatory agencies is burdensome to our members and causes administrative complications, with associated economic costs, with no benefit toward safety and security. Our members strongly advocate for a single lead agency, the best placed regulator, to administer permits and licensing. Working in an environment with dual sets of regulations is not keeping in the spirit of the Government of Canada's Cabinet Directive on Streamlining Regulation [4] where cabinet stated that "... the federal government will require timelines, policy coherence, and **minimal duplications throughout the regulatory process** by consulting, coordinating, and cooperating across the federal government, with other governments in Canada and abroad, and with business and Canadians."



The Canadian Nuclear Association suggests that CNSC staff approach their colleagues at the Department of Foreign Affairs, Trade and Development to initiate a common process that would link the Import and Export Permits Act [3] to the Nuclear Non-proliferation Export and Import Controls Regulations. It is our member's preference that there be one lead agency for this, and that this agency be the Canadian Nuclear Safety Commission.

2. Intangible Technology Transfers

The discussion on Intangible Technology Transfers (Section 6.2) includes electronic communications such as e-mail, downloads and other electronic file exchanges, and telephone conversations. The section however, does not discuss how to comply with Section 18 of the *General Nuclear Safety and Control Regulations* [5]. This section requires the licensee to submit the license to a customs officer upon the import or export of the substance, equipment or information. It is essentially impossible to meet this requirement for electronic information exchanges that require a license as there is no physical exchange with customs officials.

The Canadian Nuclear Association suggests that this requirement could be met by submitting the license to the Canadian Border Services Agency by e-mail, or to amend the *General Nuclear Safety and Control Regulations* to address the electronic transfer of prescribed or controlled nuclear information.

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', with a horizontal line underneath.

Dr. Peter Poruks
Manager of Regulatory Affairs
Canadian Nuclear Association

Cc.

Dr. John Barrett, President, Canadian Nuclear Association
Heather Kleb, M.Sc., Vice President, 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, *Safeguards and Non-Proliferation: Import and Export*, RegDoc-2.13.2, 2014, February.
- [3] Government of Canada, *Export and Import Permits Act*, R.S.C., 1985, c. E-19.
- [4] Treasury Board of Canada Secretariat, *Cabinet Directive on Streamlining Regulation*, BT22-110/2007, 2007.
- [5] Government of Canada, *General Nuclear Safety and Control Regulations*, SOR/2000-202.