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VIA EMAIL

Mr. Brian Torrie
Director General
Regulatory Policy Directorate
Canadian Nuclear Safety Commission
P.O. Box 1046 Station B
280 Slater Street
Ottawa, Ontario K1P 5S9

Dear Mr. Torrie:

Canada Gazette Vol. 148, No. 26 – June 28, 2014, *Packaging and Transport of Nuclear Substances Regulations, 2014*

Cameco Corporation (Cameco) has reviewed the proposed changes to the *Packaging and Transport of Nuclear Substances Regulations* (PTNSR) published in Canada Gazette and has prepared the following for your consideration.

As a general comment, a harmonized transportation regime has been created to allow safe and efficient worldwide movement of radioactive materials. This approach works best if countries recognize the consensus decisions made by the competent authority of the member states. While the Canadian Nuclear Safety Commission (CNSC) recognizes the value in this perspective, the CNSC has not achieved its objective as stated in the Regulatory Impact Analysis Statement of aligning with the International Atomic Energy Agency's (IAEA) *Regulations for the Safe Transport of Radioactive Material* (the IAEA Regulations). The proposed PTNSR continue to vary from the IAEA Regulations and, as a consequence, place Canada at a competitive disadvantage. Below we have commented on some of these variations, and suggested modifications to address the identified issues.

Application (section 2)

This section is a variation from the 2009 and 2012 edition of the IAEA Regulations, which removed the use or extraction aspect associated with the transport of naturally occurring nuclear substances. This is logical because the intended use of the material has no impact on whether or not the material is safe to transport. Consequently, the proposed PTNSR should be revised to remove the words, “only for purposes other than its extraction and that is not intended to be processed for its use,” from section 2(2)(a), to align with the IAEA Regulations.

General classification (section 5)

The 10^{-6} A₂/g limit applied to the ore grade in section 5(1)(a), and to mill tailing and other debris in section 5(1)(d), is not consistent with the current IAEA Regulations nor with the IAEA TS-G-1.1 advisory material, which indicates that the limit for Low Specific Activity material is 10^{-4} A₂/g. Cameco understands that additional work has been completed by the IAEA to define the LSA-I limit, but this information has not been published. The PTNSR should be revised to reflect the currently accepted limit specified for LSA-I material in the IAEA Regulations.

Transport requirements for LSA (section 27)

This section is a variation from the 2009 and 2012 edition of the IAEA Regulations, which allow the transport of industrial packages Type IP-1 under “non-exclusive use”. This is problematic as section 27 has caused difficulties with the transport of samples of LSA-I material from foreign countries to Canada. Foreign countries follow the IAEA Regulations and package LSA-I material in Type IP-1 packages for shipment to Canada; however, as a result of the variation from the international regime in the PTNSR, such shipments are not acceptable in Canada. Consequently, the consignor in a foreign country must be aware and package the samples in a Type IP-3 package.

Further, there is no safety justification to require the higher package category for LSA-I material. According to the Regulatory Impact Analysis Statement, the CNSC is proposing to remove the Canadian-specific variation in the existing PTNSR to better align with the IAEA Regulations. The uranium ore concentrate produced in Canada is no different than the uranium ore concentrate produced anywhere else in the world, which is safely transported as LSA-I material packaged in Type IP-1 package in accordance with the IAEA Regulations. There is no reason for this variation to exist in Canada. The ore grade is already limited in the definition of LSA-I material, hence the need to use Type IP-3 package for “non-exclusive use” transport has the effect of adding a second (and unjustified) restriction to the transport of LSA-I material in Canada. As previously indicated, this places Canada, and Cameco in particular, at a competitive disadvantage by requiring customers to ship uranium ore concentrate in different drums with no safety justification. This requirement should be removed from the proposed PTNSR.

Dangerous occurrences (section 35)

In the Regulatory Impact Analysis Statement, the CNSC indicates that provisions related to “dangerous occurrences” are not intended to capture errors related to “administrative requirements.” However, the wording in section 35(1)(g) of the PTNSR remain the same and continue to use the word “package”, which includes “the packaging and its content prepared for transport.” This section remains very broad and could be interpreted to include the need to report errors on shipping documents, labels, or other administrative requirements. The intent of section 35(1)(g) should be clarified by, for example, adding the following text: “Section 35(1)(g) is not intended to capture errors relating to the administrative requirements as described in section 28(1)(i) and 29(1).”

Conclusion

The intent of harmonizing with the international regime is laudable and to do so, the CNSC should strive to minimize the number of variations from the IAEA Regulations to allow the effective and efficient movement of goods internationally, and to ensure an undue burden is not placed on Canadian companies.

We would be pleased to respond to any further questions. Please contact the undersigned at (306) 956-6685 or liam_mooney@cameco.com.

Yours sincerely,



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c: S. Faille - CNSC
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