



NUCLEAR WASTE SOCIÉTÉ DE GESTION
MANAGEMENT DES DÉCHETS
ORGANIZATION NUCLÉAIRES

September 5, 2014

File: NWMO-CORR-00531-0010

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:

NWMO Comments on Proposed Changes to the Packaging and Transport of Nuclear Substances Regulations, 2014

The purpose of this letter is to provide NWMO comments on the proposed changes to the Packaging and Transport of Nuclear Substances Regulations, 2014.

NWMO's detailed comments are attached.

Please direct any questions to Ms. Lisa Lang, Senior Advisor, Regulatory Affairs, at (647) 259-4870.

Sincerely,

Paul Gierszewski
Director, Safety & Licensing

Attach.

cc. consultation@cnsccsn.gc.ca

ATTACHMENT

Attachment to NWMO letter from Paul Gierszewski, "NWMO Comments on Proposed Changes to the Packaging and Transport of Nuclear Substances Regulations, 2014"

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#	Applicable Section, Page	Comment	Proposed Change
1.	Definition of “IAEA Regulations”	<p>While it is understood that the one of the objectives for updating the Packaging and Transport of Nuclear Substances Regulations (PTNSR) is to ensure alignment with International Atomic Energy Agency (IAEA) Regulations by introducing an ambulatory reference instead of a static reference to the IAEA Regulations, it is unclear how the Regulatory Impact Analysis would be conducted, including the public consultation on changes made to the Regulations.</p> <p>The Regulatory Impact Analysis Statement typically provides a detailed and systematic assessment of the potential impacts from changes to IAEA Regulations. The process also provides an opportunity for consultation with affected parties to ensure that impacts are anticipated and appropriate.</p>	Suggest reinstating the specific edition of the IAEA Regulations being used in the definition section of the PTNSR. The process (including public consultation) to revise the PTNSR for future versions of the IAEA Regulations should continue to be followed.
2.	s. 1(2)	<p>S. 1(2) states:</p> <p>For the purposes of these Regulations, the incorporation by reference of any particular amendment of the IAEA Regulations is effective two years after the day on which the amendment is initially published or six months after the day on which the amendment is available in both of the official languages of Canada, whichever is later.</p> <p>Is the reference to “initially published” a reference to the date that IAEA publishes? If so, this should be stated.</p>	Suggest clarifying what “initially published” specifically refers to.
3.	General	<p>By introducing an ambulatory reference to the IAEA Regulations, the sections and subsections of the PTNSR no longer explicitly identify and list the relevant IAEA paragraphs which are applicable. Instead, a generic reference to the IAEA Regulations is provided throughout, leaving it open to interpretation as to which IAEA paragraphs are applicable.</p> <p>For example, radiation protection requirements are identified in the PTNSR (Sections 31 to 33), the Radiation Protection Regulations and the IAEA Regulations (paragraphs 301-303). It is unclear whether the clauses of the IAEA Regulations apply.</p>	Suggest that the PTNSR sections and subsections continue to include the applicable paragraphs of the IAEA Regulations. It would improve the clarity of the PTNSR.

#	Applicable Section, Page	Comment	Proposed Change
4.	s. 35	S. 35 mainly specifies reporting requirements for transportation incidents but that section of the PTNSR is labeled "Dangerous Occurrences." Also, some of the reporting requirements are related to events that have lower safety significance and should not be called a "Dangerous Occurrence."	Suggest that reporting requirements be listed under a heading such as "Reportable Incidents" or something similar.
5.	s. 35 and Impact Analysis	<p>The Impact Analysis notes that changes were made to reporting requirements since "any events of packaging defect or package non-compliance could be evidence of larger systemic issues which, if left unaddressed, could result in a "dangerous occurrence.""</p> <p>It is unclear what level of reporting would be expected for non-compliances that have lower safety significance.</p>	Additional guidance and the opportunity for consultation on reporting requirements should be provided.