

## OPG Comments on REGDOC-2.13.2, Import and Export

#	Document Section/ Excerpt	Industry Issue	Suggested Change <i>(if applicable)</i>	Major Comment/ Request for Clarification	Impact on Industry, <i>if major comment</i>
1.	Section 4.2	<p><b>The domestic context</b> In paragraph 3, one of the examples of items listed in Part A of the Schedule to the Nuclear Non-proliferation Import and Export Control Regulations (NNIECR) is: "technology associated with any of the foregoing items." This is not clear.</p>	<p>There is a need to clarify what "technology" refers to, i.e., is it design, drawings, calculations, etc.?</p>	<p><b>Clarification</b></p>	<p>Certain exclusions (or inclusions) may surprise the industry. It is better to be clear.</p>
2.	Section 5.1	<p><b>Overview</b> Although this section states that, among other things, the Designated Office makes the decision to revoke a licence, no direction is provided on the process for doing so. It is not clear if the requirements to revoke a licence as specified in Section 6 of the General Nuclear Safety and Control Regulations (GNSCR) applies in this case.</p>	<p>It is suggested that clarity be provided on the process to be followed when requesting a revocation of an import or export licence.</p>	<p><b>Clarification</b></p>	
3.	Section 5.3	<p>The term of the Export Licence or Import Licence.</p>	<p>Ideally it could be clearly stated that the term can be up to 5 years or the term of the sales agreement with a particular customer, whichever is longer. Export licenses should also be available for a single customer at multiple destinations in different countries.</p>	<p><b>Clarification</b></p>	
4.	Section 5.4	<p><b>Licence amendments and transfers</b> This section identifies the conditions</p>	<p>It is suggested to include in the list of conditions for which a CNSC import</p>	<p><b>Clarification</b></p>	

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		under which a CNSC import or export licence may be amended. Included in the list of conditions is a change to the recipient address. However, this section is silent with regard to a change in address of the "sender," i.e., the Importer. Is an amendment to an Import licence is required in this case?	or export licence is required to be amended, a change in the sender address (in addition to a change in the recipient address – which is already addressed.)		
5.	Section 5.4	<p><b>Licence amendments and transfers</b></p> <p>This section states that applications to amend licences should be made "well before" the amended licence is required. The timeline of "well before" is vague, given that Section 5.4, Processing time and service standards, specifies explicit times in days for the CNSC to process licence applications, but not amendments.</p>	It is suggested to provide a more explicit timeline for submitting requests for licence amendments before the amended licence is required. For example: 15 days.	<b>Clarification</b>	
6.	Section 5.6	<p><b>Non-CNSC export requirements</b></p> <p>Along with the export authorization required 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 <a href="#">Export and Import Permit Act</a> and its corresponding Export Control List.</p>	<p>Although this is not an issue that can be addressed by this REGDOC, industry would greatly appreciate a single permit/licensing process for exporting and importing Controlled Nuclear Substances, Equipment and Information.</p> <p>We suggest that the CNSC approach Foreign Affairs, Trade and Development Canada to initiate a common process that would link the</p>	<b>Major</b>	Having a lead agency that the application goes to and preferably only one permit/licence would greatly cut down the administrative burden of applying for multiple export permits/licences.

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			<p>Import and Export Permit Act to the Nuclear Non-proliferation Export and Import Controls Regulations. It would be our preference that there be one lead agency for this, that being the CNSC.</p> <p>This will ensure a full alignment of the regulatory process</p>		
7.	Section 6.2	<p><b>Intangible technology transfers</b> This section fails to address how to comply with Section 18 of the GNSCR, which requires the licensee to submit the licence to a customs officer upon the import or export of the substance, equipment or information. This is essentially impossible for electronic information exchange transactions that require a licence. Guidance is needed on this requirement from the GNSCR.</p>	<p>It is suggested that the import and export of intangible technology could either be done by submitting the licence to the Canadian Border Services Agency by e-mail, or by a possible change to the GNSCR to address the electronic transfer of prescribed or controlled nuclear information.</p> <p>Guidance is also required with regard to the resultant issue of having to present a copy of the export licence to customs officers at the border (since transfer by electronic means eliminates any physical interchange with customs officers).</p>	<b>Major</b>	<p>A common form of export permit required by NPPs is to send controlled nuclear information in an electronic form (e-mail or by an electronic file exchange [FTP] site) for requests for proposals regarding the procurement of control nuclear equipment. Additional guidance to ensure full compliance is required.</p>
8.	Section 8.1	<p><b>Inspection activities</b> Clarification is required in regard to: a) licensee documents that will be required during CNSC audits of electronic transfers of controlled</p>		<b>Clarification</b>	

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		<p>nuclear information, e.g., the required documents/evidence that will fulfill the role of the shipping-related documents and custom declarations;</p> <p>b) the meaning of "inventory control documents" when a transfer involves only controlled nuclear information. For example, it is not clear what types of documents need to be maintained by licensees, or the document's retention period.</p> <p>c) the process to be used for compliance with the export/import permits for electronic transfer of controlled nuclear information.</p>			
9.	Appendix A	The second bullet point states "The customer is reluctant to provide information about the end use of the item or refuses to provide an end use statement." However, an "end-use statement" is not mentioned in the document, and thus does not seem to be a requirement of the export licence procedure.	Clarify the document on this point.	<b>Clarification</b>	
10.	<b>Glossary</b>	An acronyms section would be useful so that all users of the document understands what each acronym	Add an acronym list with description of each item.	<b>Clarification</b>	

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		means.			
11.	General	Guidance is needed on the use of cloud technology. Would this be subject to import /export controls?		Clarification	