

Tracking Federal Regulatory Initiatives

Regulatory Affairs

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Ontario Fishery Regulations, 1989, amendment (SOR/98-375, OIC 1998-1254)

Fisheries Act, R.S., c. F14, s. 43

This amendment allows fishers to use two lines when angling from a boat in specified waters of Lake Ontario.

To be published in Canada Gazette August 5, 1998

The regulatory language is as follows:

“1. (1) Subsection 17(1)1 of the Ontario Fishery Regulations, 19892 is replaced by the following:

17. (1) Subject to subsections (2) and (3), no person shall angle in open water with more than one line.

(2) Section 17 of the Regulations is amended by adding the following after subsection (2):

(3) A person who is angling from a boat may use two lines in the open waters of Lake Ontario in Divisions 2 and 8, except those waters known as the Bay of Quinte lying west of the Glenora Ferry to the western entrance of the Murray Canal and also excluding Presqu'ile Bay, Wellers Bay, East Lake, West Lake, Frenchman's Bay, Hamilton Harbour and all tributaries of Lake Ontario.

Exempt from Pre-Publication and Approved

Statutory Authority

2. These Regulations come into force on July 15, 1998.”

Contact: Phil Smith, A/Director, Fish and Wildlife Branch, Ontario Ministry of Natural Resources, P.O. Box 7000, Peterborough, Ontario, K9J 8M5. Tel: 705-755-1802; Fax: 705-7551900; e-mail: smithph@epo.gov.on.ca.

Bicycle Wheels on Order Remission Order (SOR/98-376, OIC 1998-1265)

Customs Tariff, section 115

This Order provides duty-free entry for bicycle wheels of sub-heading 8-714.99, which were “on order” the day before the tariff was increased pursuant to the Technical Amendments Order (Customs Tariff) 1998-7 (see below, under “Ministerial Orders”).

To be published in Canada Gazette August 5, 1998

The regulatory language is as follows:

“1. In this Order, “bicycle wheels” means bicycle wheels of subheading No. 8714.99.

REMISSION

2. Subject to section 3, remission is hereby granted of the customs duties paid or payable under the Customs Tariff on bicycle wheels

CONDITIONS

3. The remission is granted on condition that

(a) a purchase order for the bicycle wheels was concluded before the coming into force of Technical Amendments Order (Customs Tariff) 1998-7;

(b) the bicycle wheels are accounted for under section 32 of the Customs Act on or after January 1, 1998; and

(c) a claim for remission is made to the Minister of National Revenue within two years after the date of importation of the bicycle wheels.

COMING INTO FORCE

4. This Order comes into force on July 15, 1998.”

Contact: Christine Wiecek, International Trade Policy, Division Department of Finance Ottawa, Ontario, K1A 0G5. Tel: 613-992-6887.

Fresh Fruit and Vegetable Remission Order, 1998 (SOR/98-376, OIC 1998-1265)

Customs Tariff, section 115

This Order remits \$371,865.99 in customs duties as part of a remission of duties on certain fruits and vegetables affected by seasonal shortages.

To be published in Canada Gazette August 5, 1998

The companies, and food products, covered by the Order are:

Carriere Foods Inc., asparagus (1997); broccoli (1993 and 1994); cauliflower (1993 and 1994); green beans (1997); onions (1996); and wax beans (1994);

Lucerne Foods Ltd., broccoli (1996); green beans (1995, 1996 and 1997); peas (1996); and strawberries (1997);

Multifoods Foods Inc., cucumbers (1996 and 1997);

Nabisco Brands Ltd., peaches (1997); pears (1997);

Snowcrest Packers Ltd., asparagus (1997); peas (1997); and strawberries (1997);

Strub Brothers Limited, cucumbers (1997).

This Order, which also lists the amounts of the remission for each company and each fruit or vegetable, comes into force on July 15, 1998.

Contact: Paul Robichaud, International Trade Policy Division, Department of Finance, Ottawa, Ontario, K1A 0G5. Tel: 613-992-2510.

Exempt from Pre-Publication and Approved

Statutory Authority

Facsimile Modem Remission Order (SOR/98-390, OIC 1998-1264)

This Order remits the 2.3% Most Favoured Nation (MFN) Tariff on facsimile modems, imported between January 1, 1996 and December 31, 1996.

Prior to 1996, facsimile modems were duty-free under tariff item No. 8517.82.10. However, when the Tariff was amended on January 1, 1996 to implement certain amendments required by the World Customs Organization (WCO), this apparatus inadvertently became subject to a MFN tariff of 2.3%. Since the application of a tariff was unintentional, duty-free status for facsimile modems was reinstated with the introduction of tariff item No. 8517.50.11 on January 1, 1997. Remission provides tariff relief for facsimile modems imported in 1996 to reflect the intended tariff treatment of these goods.

The regulatory text is as follows:

“1. Subject to section 2, remission is hereby granted of the customs duties paid or payable under the Customs Tariff on facsimile modems of tariff item No. 8517.50.10

2. The remission is granted pursuant to section 1 on condition that:

(a) the facsimile modems were imported into Canada during the period commencing on January 1, 1996 and ending on December 31, 1996; and

(b) a claim for remission is made to the Minister of National Revenue within two years after the day on which this Order is made.

3. This Order comes into force on 15 JULY 1998 .”

Contact: Megan Clifford, International Trade Policy Division, Department of Finance, Ottawa, Ontario, K1A 0G5. Tel: 613-992-6890.

Direction to the CRTC (Ineligibility of Non-Canadians), amendment (SOR/98-378, OIC 1998-1268)

This amendment to the Direction to CRTC (Ineligibility of Non-Canadians) is intended to make it explicit that the restriction on the holding company's control or influence under the original Direction applies only in cases where (a) non-Canadians own and control more than 20% of the holding company voting shares; or (b) occupy more than 20% of the holding company board; or (c) where the holding company chairman, chief executive officer or other presiding officer is a non-Canadian.

In November 1995, the Government adopted a number of changes to the Canadian ownership requirements for broadcasting undertakings to give them greater access to foreign investment capital. In order to counterbalance the possibility of greater non-Canadian influence, the policy changes included a requirement that the holding company not control or influence the licensee's programming decisions. The changes were implemented legally by amendment of the Direction to the CRTC on this subject. The new Direction to CRTC (Ineligibility of Non-Canadians) was adopted on April 11, 1996 and further amended in 1997.

Without the change, Canadian broadcasting holding companies (including those where non-Canadian involvement is minimal or non-existent) would be prevented from controlling or influencing their licensee's programming decisions. The holding companies would have to restructure their affairs to remain in compliance with the original Direction.

Contact: Larry Durr, Director, Regulatory Policy, Broadcasting Policy Branch, Department of Canadian Heritage, Hull, Quebec, K1A 0M5. Fax: Tel: 819-997-8143; Fax: 819-997-7435.

Customs Tariff, section 115

To be published in Canada Gazette August 5, 1998

Broadcasting Act, paragraph 26(1)(c)

To be published in Canada Gazette August 5, 1998

Exempt from Pre-Publication and Approved

Statutory Authority

Regulations respecting the hiring of persons within Student Employment Programs, amendment (SOR/98-379, OIC 1998-1270)

Public Service Employment Act, subsection 37(1)

This amendment allows students to participate in closed competitions in the federal public service under conditions spelled out in the Regulations.

The restrictions recognize the need to rejuvenate the Public Service while at the same time ensuring that students cannot be appointed before successful completion of their studies.

The regulatory text is as follows:

“1. Section 3 of the Regulations respecting the hiring of persons within Student deployment Program is replaced by the following:

3. These Regulations apply to persons appointed within Student Employment Programs and to the positions to which these persons are appointed.

2. Section 5 of the same Regulations is replaced by the following:

5. A person appointed within Student Employment Programs is eligible to participate in closed competitions as defined in the Public Service Employment Act and for appointment from within the Public Service only when the following conditions are met:

(a) persons appointed within Student Employment Programs are specifically included in the area of selection determined for the closed competition being held;

(b) he or she meets the other criteria of the area of selection;

(c) he or she is able to demonstrate that he or she is capable of completing the post-secondary education program or, as the case may be, vocational training program in which he or she was registered at the time of his or her most recent appointment within Student Employment Programs, within the timeframe indicated on the competition notice.

5.1 A person selected in compliance with section 5 cannot be appointed from within the Public Service before successful completion of his or her post-secondary education program or, as the case may be, vocational training program.”

Contact: Regis Gaudreault, Policy Advisor, Resourcing Policy and Legislation Directorate, Policy, Research and Communications Branch, Public Service Commission of Canada. Tel: 613-992-9706.

To be published in Canada Gazette August 5, 1998

Order Respecting the First Legislative Assembly of Nunavut (SOR/98-380, OIC 1998-1271)

Nunavut Act, section 76.01

This amendment prescribes, pursuant to section 76.01 of the *Nunavut Act*, the number of members to the first Nunavut Legislative Assembly, and names and describes the electoral districts in Nunavut.

More specifically, the Order sets the number of members of the first Legislative Assembly of Nunavut at 19.

The Order comes into force on July 15, 1998.

Contact: Gilles Binda, Senior Policy Advisor, Nunavut Secretariat, Department of Indian Affairs and Northern Development, Les Terrasses de la Chaudière, 10 Wellington Street, Ottawa, Ontario, K1A 0H4. Tel: 819-953-8069.

To be published in Canada Gazette August 5, 1998

Exempt from Pre-Publication and Approved

Statutory Authority

Order Modifying the Laws Governing the Nunavut First Elections (SOR/98-381, OIC 1998-1272)

Nunavut Act, section 76.02(1)

This Order prescribes the modifications required to the *Northwest Territories Elections Act*, in order to conduct the first elections to the Legislative Assembly of Nunavut.

To be published in Canada Gazette August 5, 1998

Subsection 76.02(1) of the *Nunavut Act* specifies that the laws governing the first elections of members of the Nunavut Legislative Assembly are the laws that apply to the conduct of elections in the Northwest Territories on the day that section 76.02 comes into force, with any modifications that the Governor in Council may, by order, prescribe.

Subsection 76.02(2) of that Act requires that notice of the order be published in the Canada Gazette at least thirty days before the order is made and that an opportunity be given to interested parties to make representations to the Minister about the proposed order.

The modifications would make the laws for the first election more Nunavut-specific. The modifications pertain to the issuance and return of the writs, residency requirements, language on the ballot papers, use of electoral information, contributions to candidates and a number of housekeeping changes.

More specifically:

“1. For the purposes of section 76.02 of the Nunavut Act,

(a) the following provisions of the Elections Act, R.S.N.W.T. 1988, c. E-2, as amended by R.S.N.W.T. 1988, c. 82 (Supp.), S.N.W.T. 1991-92, c. 5, S.N.W.T. 1995, c. 14, S.N.W.T. 1995, 15, S.N.W.T. 1997, c. 17 and S.N.W.T. 1997, c. 23, do not apply:

- (i) subsection 3(1),
- (ii) subsection 14 (1),
- (iii) section 31,
- (iv) paragraph 198(1) (e),
- (v) section 205,
- (vi) sections 207 and 208,
- (vii) subsection 209(2); and

(b) the Elections Act referred to in paragraph (a) is modified as set out in the schedule.“

The Order comes into force on July 15, 1998.

Contact: Gilles Binda, Senior Policy Advisor, Nunavut Secretariat, Department of Indian Affairs and Northern Development, Les Terrasses de la Chaudière, 10 Wellington Street, Ottawa, Ontario, K1A 0H4. Tel: 819-953-8069.

Exempt from Pre-Publication and Approved

Statutory Authority

Order Amending the Schedule to the Mutual Legal Assistance in Criminal Matters Act (SOR/98-382, OIC 1998-1275)

The amendments add to Part I Bilateral Treaties the following names: Republic of China, Republic of India, Republic of Italy, Republic of Korea, Kingdom of the Netherlands, Kingdom of Spain, Swiss Confederation, Kingdom of Thailand and United Kingdom of Great Britain and Northern Ireland (amended) and the dates July 1, 1995, October 25, 1995, December 1, 1995, February 1, 1995, May 1, 1992, March 3, 1995, November 17, 1995, October 3, 1994, and September 17, 1993 to Part I of the schedule entitled Bi-Lateral Treaties.

These are the dates on which Canada's bilateral treaties for mutual legal assistance in criminal matters with those nine states entered into force. In addition this order adds to Part II of the schedule Multi-Lateral Treaties, under the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, that came in effect on November 11, 1990, and the following names of parties:

Algeria, Antigua and Barbuda, Argentina, Armenia, Azerbaijan, Belgium, Bosnia-Herzegovina, Brunei, Darussalam, Burundi, Cape Verde, Chad, Columbia, Croatia, Czech Republic, Dominica, Dominican Republic, El Salvador, Ethiopia, Fiji, Finland, Germany, Guinea-Bissau, Guyana, Haiti, Jamaica, Kyrgyzstan, Latvia, Lesotho, Macedonia, Malawi, Malaysia, Mali, Mauritania, Moldova, Netherlands, Norway, Panama, Paraguay, Poland, Romania, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Sierra Leone, Slovakia, Sudan, Swaziland, Trinidad and Tobago, Uruguay, Uzbekistan, Zambia, and Zimbabwe.

The Order comes into force on July 15, 1998.

Contact: K. Prost, Senior Counsel, Director of the International Assistance Group, Criminal Prosecutions Section, Department of Justice, Ottawa, Ontario, K1A 0H8. Tel: 613-957-4758.

Mutual Legal Assistance in Criminal Matters Act, section 4

To be published in Canada Gazette August 5, 1998

Contraventions Regulations (SOR/98-383, OIC 1998-1276)

This amendment adds two new parts to the Contraventions Regulations as well as making a correction to an existing offence. This correction deletes the repeated amounts listed under column III of the consolidation in order to only have one set fine.

The two remaining amendments designate offences created under the *Collision Regulations* and the *National Parks Aircraft Access Regulations*.

The Order comes into force on July 15, 1998.

Contact: K. Prost, Senior Counsel, Director of the International Assistance Group, Criminal Prosecutions Section, Department of Justice, Ottawa, Ontario, K1A 0H8. Tel: 613-957-4758.

Contraventions Act, section 8

To be published in Canada Gazette August 5, 1998

Amendment to Section 26 of the Canadian Wheat Board Regulations to establish initial payments for the 1997-98 crop year (SOR/98-384, OIC 1998-1279)

The amendment establishes a higher initial payment for the base grades of wheat (an increase of \$10 per metric tonne) and amber durum wheat (an increase of \$15 per metric tonne) for the 1997-98 crop year.

The Order comes into force on July 21, 1998.

Contact: Craig Fulton, Commerce Officer Grains and Oilseeds Division, International Markets Bureau, Market and Industry Services Branch, Agriculture and Agri-Food Canada, Sir John Carling Building, 930 Carling Avenue, Ottawa, Ontario, K1A 0C5: Tel: 613-759-7698; Fax: 613-759-7476.

Canadian Wheat Board Act, sections 32 and 61

To be published in Canada Gazette August 5, 1998

Exempt from Pre-Publication and Approved

Statutory Authority

Boating Restriction Regulations, amendment (SOR/98-385, OIC 1998-1283)

Canada Shipping Act,
subsections 562(2) to (4)

These routine amendments establish restrictions relating to boats, mode of propulsion, engine power limits, speed limits and restrictions on the location and time of water-skiing activities and regattas.

To be published in Canada Gazette August 5, 1998

The amendments are made under Part IX of the Act (*Boating Restriction Regulations*) for the purpose of safety of navigation and boating activities on specified bodies of water as requested by the Provinces of British Columbia, Alberta, Saskatchewan, Manitoba, Ontario and Quebec.

The Order comes into force on July 15, 1998.

Contact: Jean Pontbriand, AWEB, Office of Boating Safety, Canadian Coast Guard, Department of Fisheries and Oceans, 9th floor, 344 Slater Street, Ottawa, Ontario, K1A 0N7. Tel: 613-9981433; Fax: 613-996-8902.

Veterans Health Care Regulations, amendment (SOR/98-386, OIC 1998-1284)

Department of Veterans Affairs Act, subsection 5(1)

These amendments revise the rules for setting accommodation and meals charges for veterans residing in care facilities, and make certain other housekeeping changes to the Regulations.

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The amendments include:

- a change in the effective date for resetting all clients' accommodation and meals charges from April 1 to October 1 each year, commencing in 1998. This allows calculations to be made based on the most recent and therefore more accurate income information. As a result, the determination of new charges for the initial transition year, 1998, is delayed by six months.
- a change in the maximum monthly charge to the lesser of a) the lowest provincial rate in effect the previous July 1, or b) the previous year's maximum charge as adjusted by the annual cost-of-living percentage increase that applies to war veterans allowance. This change ensures that the increase faced by the client is limited to the cost-of-living increase, or less, and responds positively to a resolution of the Royal Canadian Legion.
- a change in the spousal exemption applicable each October 1 such that it now equals the actual, not estimated, war veterans allowance married rate effective the previous July 1.
- a change in the dependent exemption such that it now equals the war veterans allowance, not pension, orphan rate effective the previous July 1 for each dependent child. (This rate is \$520.48 a month at present.)
- a change in the cost-of-living adjustment in the personal comforts allowance such that it is now based on the annual percentage change in war veterans allowance rates, not pension rates.

Additionally, other amendments answer a concern expressed by the National Council of Veteran Associations in Canada concerning the retroactive reimbursement of a veteran's pension-related health care costs, address observations made by counsel to the Standing Joint Committee for the Scrutiny of Regulations, and make technical housekeeping changes to bring various provisions up to date.

The Order comes into force on July 15, 1998.

Contact: Jane Michael, Chief, Legislation (Acts), Portfolio Executive Services, Veterans Affairs Canada, National Bank Tower, 4th floor, 134 Kent Street, Charlottetown, P.E.I., C1A 8R8. Tel: 902-566-8177; Fax: 902-566-8689.

Exempt from Pre-Publication and Approved

Statutory Authority

Order amending the Schedule to the Manganese-based Fuel Additives Act (SOR/98-393, OIC 1998-1334)

Manganese-based Fuel Additives Act, section 20

The amendment deletes from the schedule to the *Manganese-based Fuel Additives Act* (S.C. 1997, c. 11) the following:

“Methylcyclopentadienyl manganese tricarbonyl” (Méthylcyclopentadiényl manganèse tricarbonyl)”.
The Order comes into force July 20, 1998.

To be published in Canada Gazette August 5, 1998

Pre-Published and Approved No comments or changes

Statutory Authority

Fishing and Recreational Harbours Regulations, amendment (SOR/98-387, OIC 1998-1285)

Fishing and Recreational Harbours Act, section 9

This amendment establishes the requirement that a person who uses a vessel as a residence must obtain a lease or license from the Minister.

Previously, the harbour manager had the discretion to approve the berthing of a floating home in a harbour.

The prohibition against a person berthing a vessel which may “endanger or cause damages to the harbour facilities...” is clarified to read “endanger or damage the harbour facilities...”.

The changes were recommended by the Standing Joint Committee for the Scrutiny of Regulations.

The amendment repeals the definition “floating home” in section 2 of the Regulations; adds subsection 7.1; replaces paragraph 9(b); and repeals section 15.

The Regulations come into force on July 15, 1998

Contact: Grant Pryzyk, Acting Director, Conservation and Protection and Legislation, Department of Fisheries and Oceans, P.O. Box 2310, Yellowknife, Northwest Territories, X1A 2P7. Tel: 867-920-6635; Fax: 867-873-8871.

To be published in Canada Gazette August 5, 1998

Northwest Territories Fishery Regulations, amendment (SOR/98-388, OIC 1998-1286)

Fisheries Act, section 43

This amendment removes from the regulations the minimum 133 mm gill net mesh size for fishing in the Great Slave Lake management areas.

In future, the Department of Fisheries and Ocean will specify gill net mesh sizes in these areas as a condition of licence.

The commercial fishery, which focuses predominantly on harvesting whitefish and trout, has used 133 mm gill nets since 1977. In the spring of 1997, the Great Slave Lake Advisory Committee recommended to DFO that a new management strategy be implemented. Included in that strategy is the change to the minimum gill net mesh size as well as a stock status study that began in July 1997.

Contact: Grant Pryzyk, Acting Director, Conservation and Protection and Legislation, Department of Fisheries and Oceans, P.O. Box 2310, Yellowknife, Northwest Territories, X1A 2P7. Tel: 867-920-6635; Fax: 867-873-8871.

To be published in Canada Gazette August 5, 1998

Pre-Published and Approved No comments or changes

Statutory Authority

National Capital Commission Traffic and Property Regulations, amendment (SOR/98-389, OIC 1998-1287)

National Capital Act, section 20

The amendments make a number of corrections recommended by the Standing Joint Committee for the Scrutiny of Regulations:

To be published in Canada Gazette August 5, 1998

- with respect to the definition of “commercial vehicle” in section 2, the Committee noted that the English and French versions are not the same. The amendments to that section corrects this.
- section 37 of the Regulations suggests that the National Capital Commission (NCC) might give its “specific approval” to a person to pollute any stream or body of water on NCC property. As there are no circumstances in which the NCC would permit pollution on its property, these amendments propose to remove the words “pollute or” from section 37. In addition, the words “specific approval” in that section is replaced by the words “written approval”.
- the Committee noted that section 40 does not contain standard drafting language for penalty provisions, but does contain wording suggesting a presumption of guilt. The amendments modify the section to reflect current drafting practice and remove the words “is guilty of an offence and”.

Contact: Karen McNeil, Legal Counsel, National Capital Commission, 202-40 Elgin Street, Ottawa, Ontario, K1P 1C7. Tel: 613-239-5477; Fax: 613-239-5404.

Pre-Published and Approved With comments or changes

Statutory Authority

Transportation of Dangerous Goods Regulations (No. 23), amendment (SOR/98-371, OIC 1998-1253)

Transportation of Dangerous Goods Act, 1992, section 30(1)

This amendment schedule amends references in the Regulations to a number of standards that have been revised.

More specifically, the standards that have been revised are:

To be published in Canada Gazette July 22, 1998

- Canadian Standards Association (CSA) National Standard of Canada CAN/CSA-B339-96, Cylinders, Spheres and Tubes for the Transportation of Dangerous Goods, dated July 1996, and cited as CSA-B339;
- CSA-B340-97, Selection and Use of Cylinders, Spheres, Tubes and Other Containers for the Transportation of Dangerous Goods, Class 2, dated July 1997, and cited as CSA-B340;
- Canadian General Standards Board (CGSB) National Standard of Canada CAN/CGSB-43.150-97, Performance Packagings for the Transportation of Dangerous Goods, dated December 1997, and cited as CGSB-43.150;
- National Standard of Canada CAN/CGSB-43.146-94, Intermediate Bulk Containers for the Transportation of Dangerous Goods, dated December 1994, amendment No. 2, dated June 1997, and cited as CGSB-43.146;
- National Standard of Canada CAN/CGSB-43.151-97, Packing of Explosives (Class I) for Transportation, dated December 1997, and cited as CGSB-43.151; and
- National Standard of Canada CAN/CGSB-43.147-97, Construction and Maintenance of Tank Car Tanks and Selection and Use of Tank Car Tanks, Portable Tanks and Rail Cars for the Transportation of Dangerous Goods by Rail, dated August 1997, and cited as CGSB-43.147.

Pre-Published and Approved With comments or changes

Statutory Authority

CSA-B339 and CSA-B340 deal with the manufacture and use of cylinders for the transportation of gases. Both standards were amended to update references to the Compressed Gas Association (CGA) publications, the *Transportation of Dangerous Goods Act, 1992*, the American Society for Testing and Materials standards, and other published standards.

References to dangerous goods shipping names and product identification numbers (PINs) were aligned with the current Regulations. The requirement for valve protection for cylinders in transport was clarified.

New requirements for transporting cylinders that are due for requalification were introduced. Authorization for the continued use of TC-4LM vacuum-insulated cylinders for liquid refrigerated carbon dioxide and liquid refrigerated nitrous oxide services were added.

Authorization for the continued use of TC-39M non-refillable cylinders for methylacetylene propadiene, stabilized services was also added (previously allowed under permit). Other changes were of a housekeeping or an editorial nature.

Notwithstanding clause 4.3.1 of CSA-B340, the TDG Regulations were amended so that section 9.1.1.1 of CGA Publication S-1.1, which deals with replacement requirements for pressure relief valves, is not mandatory.

National Standard of Canada CGSB-43.150 deals with the design and manufacture of United Nations (UN) specification non-bulk packagings with a capacity of 450 litres or less. New sections 12 to 18 were added to the standard to establish requirements for the use of UN packagings for class 3, 4, 5, 6.1, 8 and 9 dangerous goods. Section 7.6.2 of the standard places a limit of five years on the reuse of plastic drums and jerricans. However, they may be reused for up to 10 years if: the container has been dedicated for use with a specific product; and the user has a documented procedure for demonstrating that the container continues to meet the performance requirements after five years, including an inspection of the container prior to each use after five years.

CGSB Provisional Standard 43-GP-152MP, Packing for Transportation of Dangerous Goods in Prescribed Packagings, dated September 1985, which deals with construction standards for packagings and the construction standards themselves found in Schedule XIV, has been replaced with CGSB-43.150 UN performance based standards. Other revisions align the standard with the tenth revised edition of the UN Recommendations for the Transportation of Dangerous Goods (UN Recommendations).

National Standard of Canada CGSB-43.146 deals with the design, manufacture and use of UN specification intermediate bulk containers (IBCs) for the transportation of class 3, 4, 5, 6.1, 8 or 9 dangerous goods by road, rail and domestic marine. The amended standard limits the 30-month periodic leak test and inspection requirement to only large IBCs (over 450 litres capacity) used to transport liquids.

The five year limit on the use of plastic IBCs is reinstated and applies to all large plastic IBCs used to transport liquids of class 3, 4, 5, 6.1, or 8 dangerous goods.

Lastly, a 10-year limit on the use of plastic IBCs applies to any small plastic IBC as well as to any IBC that is used to transport class 9 dangerous goods if the container has been dedicated for use with a specific product and the user has a documented procedure for demonstrating that the container continues to meet the performance requirements after five years, including an inspection of the container prior to each use.

Pre-Published and Approved With comments or changes

Statutory Authority

National Standard of Canada CGSB-43.151 has been amended to incorporate the tenth revised edition of the UN Recommendations, incorporating the latest UN Packing Methods for packing of explosives for international and domestic transport.

Construction standards and their associated use, which were previously in CGSB-43.151, have been removed. Explosives may continue to be transported in accordance with National Standard of Canada CGSB- 43.151-M90, Packing of Explosives, Class 1, for Transportation, dated December 1990, until January 1, 1999. The transition period facilitates the change from Transport Canada packing methods to UN packing methods.

Requirements in the revised CGSB-43.151 for the periodic leak test and inspection of intermediate bulk containers (IBCs) used to transport slurry explosives do not apply until January 1, 1999. Also, for a few products, there is no longer a requirement for Natural Resources Canada's approval to transport them in highway tanks. Lastly, there are a few variations between the amended CGSB-43.151 and the current domestic requirements, generally with respect to inner packaging and inner lining.

National Standard of Canada CGSB-43.147 deals with conditions for shipping dangerous goods in bulk by rail. The standard has been amended to primarily reflect recent Title 49 of the Code of Federal Regulations of the United States (49 CFR) crashworthiness protection requirements (HM-175A), quality assurance performance and inspection provisions (HM-201), and pressure relief device stipulations (HM-216) for rail tank car tanks (hereafter referred to as "tank cars"). The amendments are intended to improve the crashworthiness of tank cars, to increase the likelihood of detecting tank car defects, and to reduce non-accidental releases of products through pressure relief devices. The changes harmonize Canadian and American tank car requirements.

Principal safety improvements or crashworthiness protection requirements include:

- bottom appurtenance protection requirements;
- expanding tank head puncture-resistance (head protection) on tank cars transporting class 2 materials, tank cars transporting halogenated organic compounds, and tank cars constructed from aluminum or nickel plate used to transport dangerous goods;
- expanding thermal protection requirements for tank cars transporting class 2 materials as well as allowing analysis instead of testing to be performed to verify compliance with thermal protection requirements;
- prohibiting the use of self-energized manways located below the tank liquid level;
- phasing out "grandfathering" provisions, that have allowed the continued use of tank cars that do not conform to standards (for example, type 105 tank cars, without head protection, that were built before September 1, 1981, with a capacity of less than 18 000 US gal.);
- protective coatings requirements on existing insulated tank cars when a repair to the tank car requires the complete removal of the jacket;
- requirements for more robust tank cars used for specific halogenated organic compounds;
- special requirements for materials having a primary or secondary class 2.1, that is, gauging devices equipped with excess flow valves;

Pre-Published and Approved With comments or changes

Statutory Authority

- scheduling of modifications and progress reporting; i.e., 50 percent of the affected fleet to conform with the changes within the first half of the implementation period, and before July 1 of each year, each owner shall submit to the Director a progress report on the modifications.

New quality assurance, performance and inspection requirements include:

- quality assurance program for each tank car facility that manufactures, repairs, inspects, tests, qualifies, or maintains tank cars to ensure that tank cars conform to the standard; or that alters the certificate of construction of the tank car; or ensures the continuing qualification of cars by performing prescribed functions;
- performance standards for tank head puncture resistance and thermal protection systems;
- requirements to perform a minimum visual inspection of a tank car containing dangerous goods prior to being offered for transportation;
- periodic inspection and test protocol includes:
 - conditions and frequency of inspection and tests for tank cars, for example, standardize test intervals at ten years;
 - structural integrity inspections and tests using nondestructive testing (NDT) such as dye penetrant, magnetic particle, ultrasonic, radiographic testing methods, and
 - optically-aided visual inspection instead of hydrostatic pressure tests for fusion welded tank cars;
 - thickness measurements;
 - specifying allowable shell thickness reductions;
 - complete visual examination of tank cars to determine that the tank cars are in proper condition and safe prior to their use;
 - safety system, lining and coating, leakage inspections and tests;
 - use of alternative inspection and test procedures based on damage-tolerance fatigue evaluations.

Pressure relief device requirements include:

- expanding the start-to-discharge pressure setting from a single value to a range of settings that are more directly related to product requirements;
- increasing the burst pressure of the rupture disc on non-reclosing pressure relief devices to 33 percent of the tank burst pressure; and
- setting the minimum start-to-discharge pressure to 75 psig.

Most of the changes to tank cars mirror recent 49 CFR requirements for the selection, use and requalification of tank cars. The standard's committee was aware of the increasing north-south movement of these cars and the need for consistency with the United States Regulations and the Association of American Railroads interchange rules.

Following publication in the Canada Gazette Part I, a new section 6.9 to Part VI has been added to this amendment schedule, dealing with Clause 2 entitled Reference Publications that lists documents referenced in CSA-B339. Section 6.9 requires one to comply with the seventh (1996) edition of the CGA Inc's publication C-1 entitled Methods for Hydrostatic Testing of Compressed Gas Cylinders rather than the sixth (1975) edition that is referenced in Clause 2 of CSA-B339. The CGA publication C-1-1996 was not included in the pre-published version.

Contact: Kim O'Grady, Chief, Risk Evaluation Division, Transport Dangerous Goods Directorate, Transport Canada, Ottawa, Ontario, K1A 0N5. Tel: 613-990-1145.

Ministerial Orders Approved

Statutory Authority

Technical Amendments Order (Customs Tariff) 1998-5, amendment (SOR/98-372)

Customs Tariff, section 138

This amendment repeals Tariff item Nos. 5603.11.20, 5603.12.20, 5603.13.20, 5603.14.20, 5603.91.20, 5603.92.20, 5603.93.20 and 5603.94.20 in the List of Tariff Provisions set out in the schedule to the *Customs Tariff*.

To be published in Canada Gazette August 5, 1998

The amendment also amends a number of Tariff Provisions set out in the schedule to this Order, as follows:

The Description of Goods of tariff item No. 5402.41.13 is amended by striking out the reference to “Effective from January 1, 1998 to May 30, 1998”.

The Description of Goods of tariff item Nos. 5603.11.10, 5603.12.10, 5603.13.10, 5603.14.10, 5603.91.10, 5603.92.10, 5603.93.10, and 5603.94.10 is amended by adding, in alphabetical order, a reference to “Impregnated with or having a bonding agent of rubber, certified by the exporter to have been buffed on one or both surfaces, for use in the manufacture of labels, badges and similar articles of a kind normally sewn to the outer part of wearing apparel;”.

The Description of Goods of tariff item No. 9943.00.00 is amended by striking out the reference to “Effective from January 1, 1998 to December 13, 1998”.

The amendment is deemed to have come into force on June 1, 1998.

Technical Amendments Order (Customs Tariff) 1998-6, amendment (SOR/98-373)

Customs Tariff, section 138

This amendment repeals Tariff item Nos. 2106.90.97, 3302.10.10, 4010.12.10, 7101.10.00, 7208.27.00 and 9988.00.00 in the List of Tariff Provisions set out in the schedule to the *Customs Tariff*.

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The amendment makes a number of technical amendments to a variety of tariff items.

It also repeals Tariff item No. 5908.00.90 in the List of Intermediate and Final Rates for Tariff Items of the “F” Staging Category set out in the schedule to the Act.

This Order is deemed to have come into force on January 1, 1998.

Technical Amendments Order (Customs Tariff) 1998-7, amendment (SOR/98-374)

Customs Tariff, section 138

This Order repeals Tariff item No. 8714.99.00 in the List of Tariff Provisions set out in the schedule to the *Customs Tariff*.

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The order adds three tariff items to the List of Tariff Provisions set out in the schedule to the Act: 8714.99 (Other); 8714.99.10 (Bicycle wheels); 8714.99.90 (Other). In the case of Bicycle wheels, this Order restores a 6.5% MFN and 3% GPT rate of duty on bicycle wheels of subheading 8714.99. Bicycles “on order” at the time of this increase are covered under SOR/98-376.

The Order comes into force on July 15, 1998.

Ministerial Orders Approved

Statutory Authority

Northwest Territories Rules of Practice Respecting Applications and Hearings Concerning a Reduction in the Number of Years of Imprisonment Without Eligibility for Parole (SOR/98-392)

Criminal Code, subsection 745.64(a)

The rules cover proceedings in the Supreme Court or Court of Appeal of the Northwest Territories for the purpose of a judicial screening under subsection 745.61(1) of the Criminal Code or the impaneling of a jury pursuant to subsection 745.61(5) of the Criminal Code.

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More specifically, the Rules cover how to make an application for a Reduction in the Number of Years of Imprisonment Without Eligibility for Parole, the Orders a Judge can make, the hearing of applications, and the making of Orders and Directions in connection with the hearing and disposition of an application.

The Rules come into effect on September 1, 1998.

Public Service Employment Regulations, 1993, amendment (SOR/98-391)

Public Service Employment Act, section 35

The amendments, which comes into force on July 16, 1998, deal with acting appointments in the executive category of the federal public service, rights of appointment without competition for Canadian armed forces personnel disabled by an injury in a special duty area, and the probation and notice periods for employees recruited to University Teaching group positions and to other positions not otherwise covered in Schedule 2 of the Regulations.

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The changes replace subsections 5(2) and 40.1(1) and amend Schedule 2 to the Regulations.

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