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REFERRED TO REFERÉ À	Torrie, B.

Dear Mr. Torrie:

**Canadian Nuclear Association Comments on REGDOC-3.1.2 Reporting Requirements for Non-Power Reactor Class I Nuclear Facilities and Uranium Mines and Mills**

The CNA and its members would like to thank the CNSC for the opportunity to comment on REGDOC-3.1.2: Reporting Requirements for Non-Power Reactor Class I Nuclear Facilities and Uranium Mines and Mills. Our members particularly appreciate the willingness of CNSC staff to discuss the critical issues.

While industry supports the CNSC's attempts to create succinct, clearly written regulatory documents, we have concerns that some elements of this discussion paper are limited in scope and are actually counter-productive to the CNSC's goals.

The CNA worked with its members to compile the attached list of comments. We would however like to highlight the following points:

- CNA members recognize that incidences that require reporting vary in complexity, thus it is possible for all the required reporting to be addressed in the initial report. We suggest that CNSC review Table A to change the requirement in 'Full Report' column in the table to: "Within 60 days after becoming aware of the event, **if required**" where applicable, as mentioned frequently throughout the attached summary of comments.
- Our members feel that the draft REGDOC 3.1.2 calls for an annual report that summarizes information already provided to the CNSC in other separate submissions, imposing significant administrative burden with no benefit.
- REGDOC 3.1.2 should encompass all applicable reporting requirements while referencing related regulatory documents, and should supersede all other current reporting requirements in the current regulatory framework.
- Generally, industry sees the need for further discussions with the CNSC to clarify the proposed requirements.

The future is NU. Le nucléaire, voie de l'avenir.



Once again, we appreciate the opportunity to provide comment on this draft document and encourage the CNSC to continue to engage licensees further as this suite of proposed REGDOCs is developed. If you require further information or have any questions regarding this submission, please feel free to contact me directly.

Yours sincerely,

A handwritten signature in blue ink that reads "Steve Coupland". The signature is written in a cursive, flowing style.

Steve Coupland  
Director, Regulatory and Environmental Affairs  
Canadian Nuclear Association



Industry Comments on draft REGDOC-3.1.2, Reporting Requirements for Non-Power Reactor Class I Nuclear Facilities & Uranium Mines & Mills

	Document section / excerpt of section	Industry issue	Suggested change (if applicable )	Major Comment/ request for clarification <sup>1</sup>	Impact on industry if major comment
1.	General	<p>The Annual Report contents as outlined in Section 3, are very similar to that required for an Application, and add significant burden. This is contrary to the direction to reduce unnecessary burden. REGDOC-3.1.1 was developed to provide performance data necessary for the regulatory oversight while making use of existing practices. Reports should be limited to performance reporting. No impact statement has been provided.</p>	<p>Industry would be happy to work with other stakeholders and CNSC to identify appropriate reporting requirements</p> <p>Remove requirements for future Plan, changes, and facility descriptions.</p> <p>The Annual Report should be reconsidered to focus on performance. Once established, industry expects the content requirements to remain unchanged, except through revision of the REGDOC process.</p>	<p><b>MAJOR</b></p>	<p>As written, this requires licensees to provide essentially a new application for each facility each year. This is a significant burden on licensees, with no improvement to safety or performance.</p> <p>Modifications to systems, documents etc. are provided to the regulator through other mechanisms, including the LCH notification process. Duplicative reporting adds significant burden in racking for no improvement in safety.</p> <p>Once established, industry expects the content requirements to remain unchanged, except though the REGDOC revision process. This will ensure</p>

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					consistency between licensees and regulatory certainty.
2.	General	In some cases, all the reporting required will be addressed in the initial report However if a full report is required, it should be submitted 60 days following the submission of the preliminary report	Suggested change : CNSC should review Table A TO change where required the column <b>Full Report</b> in the table to "Within 60 days after becoming aware of the event <i>if required</i> "	<b>MAJOR</b>	Adds administrative burden with no benefit
3.	General Comment	Quoting sections from many other regulatory documents and acts adds confusion to the document. The reader must carefully review all of the referenced documents to understand the intent of each section and sections from Appendix A Table A. Since the sections are often partially quoted, they will be interpreted differently by different readers and increases the likelihood that information is taken out of context.		Clarification	
4.	Preface	Guidance is meant to be	Change to: "Licensees are	<b>MAJOR</b>	Licensees note that a similar statement appears

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	Sixth paragraph: "Licensees are expected to review and consider guidance; should they choose not to follow it, they should explain how their chosen alternate approach meets regulatory requirements. An applicant or licensee may put forward a case to demonstrate that the intent of a requirement is addressed by other means and demonstrated with supportable evidence."	guidance. If the licensee is required to meet guidance criteria (even by other means), then it is a requirement, not guidance.	expected to review and consider guidance		in all REGDOCs. It puts an unreasonable onus on licensees to demonstrate not just how requirements are met, but also how guidance is met.
5.	Table of Contents	Appendix A does not sufficiently reflect the hierarchical structure of Table A	Expand Table of contents – Appendix A accordingly	Clarification	
6.	Scope First paragraph: "This regulatory document incorporates and clarifies requirements found in the NSCA and the regulations..."	These reporting requirements go beyond just incorporating and clarifying the existing requirements.	Suggest using the wording from REGDOC-3.1.1 "...incorporates and expands upon the requirements..." which is more accurate.	Clarification	
7.	1.1 para 2	The requirement to report is unclear as to safety significance	Requirement to report situations or events of higher safety significance...	Clarification	
8.	1.3 bullet 3	Missing provisions in the Act for extension of submission time for reports	Add "section 44 of the NSCA and section 29, 30 and 31 of the GNSCR contain provisions	Clarification	

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			where the submission time for full reports can be extended by the terms of a licence condition."		
9.	1.3 subsection 7.5(4) of the Nuclear Security Regulations states that "every licensee shall provide a copy of the written record, together with a statement of actions taken as a result of the [yearly] threat and risk assessment, to the Commission within 60 days after completion of the assessment"; in addition, sections 21 and 36 and subsection 44(2) stipulate other situations requiring notification	Section 7.3 of the Nuclear Security Regulations indicates that "Sections 7.4 – 38 apply in respect of high-security sites." While Appendix A Table A makes reference to applicability, the scope section does not limit how this regulation is applied. In effect the NSR are paraphrased in this document which could allow the requirement to be taken out of context.	Remove the bullet from section 1.3 or add disclaimer on limitation of scope for the reference.	<b>MAJOR</b>	If not modified, sections of the Nuclear Security Regulations can be applied to facilities and sites they were not intended for.
10.	Page 2 last 2 bullets	Text is irrelevant to this document	Delete	<b>MAJOR</b>	Unnecessary administrative burden since this document is specific to Class I facilities
11.	Section 2, Guidance paragraph 3:	Some Industry LCHs contain a comprehensive table of situations, events or	REGDOC 3.1.2 should supersede all other current reporting requirements in the	<b>MAJOR</b>	Duplicated burden and unnecessary inconsistency between licensees

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	In addition to the list above, the licensee may be required to file facility-specific reports, as described in their licence conditions handbook (LCH).	dangerous occurrences which require reporting by the licensee to the CNSC. If the table will not be replaced with this REGDOC in the LCH, then it does not seem that this REGDOC is necessary.	current regulatory framework		
12.	Section 2, p. 3, 1a	Terminology revision	Replace “an event or a situation with “an event or a situation as set out in Table A of Appendix A”.”	Clarification	
13.	Section 2, p. 4, para. 1	Terminology revision	Replace “licensing specialist ” with “project officer”	Clarification	
14.	Section 2, p. 4, last bullet	Terminology revision	Replace “an unplanned spill or release” with an “unplanned spill or release that is reportable under provincial or federal legislation”	Clarification	
15.	Section 2, p.4	Why is ‘immediate reporting’ applied to all types of events?	Replace by reporting timelines by safety significance, same as in REGDOC 3.1.1 (section 2 – items 1-8, and 10)	<b>MAJOR</b>	Administrative burden on licensee and regulator due to immediate response requirement.
16.	Section 2, p. 5	Public disclosure: some reportable events have no public interest element and should not be considered as	Delete paragraph, licensees should adhere to their own public information programs...	<b>MAJOR</b>	Administrative burden on licensee with no benefit .Expanding on licensing requirements

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		an "input to their public disclosure protocol".			
17.	Section 2, p. 5	Public disclosure should not be required until after it is determined that an event is reportable.	Revise to require to defer any public disclosure as per the licensee public disclosure protocol	<b>MAJOR</b>	Administrative burden on licensee with no benefit .Expanding on licensing requirements
18.	Section 2: Reporting Requirements, Page 5 Final paragraph: "Each report should be unclassified and should not contain any proprietary business information so it can be made available to the public upon request. Information should be considered public for the most part. Any information considered classified, protected, proprietary or personal should be submitted in accordance with the CNSC's <i>Guidance Document on Confidential Filings</i> ."	The Guidance Document on Confidential Filings only applies to submissions made to formal Commission hearings for licensing decisions. It doesn't apply to reports generated by the REGDOC.	Delete this reference	<b>MAJOR</b>	As written, this requirement may lead to an inadvertent public disclosure of classified, protected, proprietary or personal information. Creates confusion to refer to a document which has no application.
19.	Section 2 guidance	Significance level is not addressed, facility specific reports are unclear	"Make consistent with guidance from REGDOC 3.1.1	<b>MAJOR</b>	Inconsistency given the risk profile of the facility with existing

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		(scheduled/non-scheduled/annual/quarterly)			LCH/licence/REGDOC 3.1.1
20.	Section Page 5 Para 2	"Licensees using this option..." Redundant - the requirements are captured in LCH/Licence. the REGDOC should specify the requirement which the licensee will define how compliance is achieved	Delete entire paragraph	<b>MAJOR</b>	Accountability should remain with the licensee
21.	Section Page 5 Para 7	"If the licensee determines..."	Change the first sentence " a full report may not be necessary" to "a full report <i>is not necessary</i> " Delete second sentence "	Clarification	
22.	Section 2, Page 6, Guidance, para. 3	This paragraph applies to all notifications and reports and not just the annual compliance monitoring report.	Move to Section 2 Reporting Requirements	Clarification	
23.	Section 3	It is unclear whether Annual Reports provided by a licensee pursuant to REGDOC 3.1.1. can take the place of content required by draft REGDOC 3.1.2. For example, for licensees with multiple facilities under separate licences at a site, it is unclear	Revise the Guidance on page 6 to state "for sites with multiple facilities (under the same <u>or different CNSC</u> licences) or a licensee possessing a licence with multiple locations, the licensee may submit the information <u>through other</u>	<b>MAJOR</b>	Providing duplicative information serves not benefit, and increases the reporting burden placed on licensees. It may also lead to a configuration management issue.

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		whether the licensee can prepare a single report, for example a single Annual Environmental Report.	<u>required reports applicable to the SCA</u> , or in a single consolidated annual compliance report.		
24.	Section 3, Page 5 Item 2	Sufficient details to provide CNSC staff with information to verify that licensees are meeting their regulatory requirements and are operating safely	. Further discussions between industry and CNSC are required to clarify requirements	<b>MAJOR</b>	Unclear requirements leading to inconsistencies in reporting
25.	Section 3, Page 6 Para after item 3	Each annual compliance monitoring report shall act as a stand-alone document. If information from any previous annual compliance monitoring report is needed <u>for completeness</u> , the licensee shall repeat it to the appropriate level of detail.	Delete the second sentence	Clarification	
26.	Section 3, Page 6	Current licensees have differing reporting requirements in their LCHs. This REGOC should supersede all the requirements in the LCHs “	This REGOC should supersede all the requirements in the LCHs	<b>MAJOR</b>	Duplicated burden and unnecessary inconsistency between licensees
27.	Section 4.1, Page 6	A preliminary report or immediate notification of a situation or event, or of a dangerous occurrence as	Add to the end of the first paragraph the following” ...as available .”	Clarification	

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		stipulated in section 35 of the PTNSR 2015, shall contain the following information: (1-4)			
28.	Section 4.2, Page 7 Under Guidance: "Licensees should include information that allows the report to be reviewed efficiently; for example: - identify updates and new or additional information from that provided previously - identify any further missing information and the date that the missing information will be provided to the CNSC - Identify the target completion date for each action that the licensee proposes to take to re-establish normal operations or to prevent a recurrence."	Bullets 1 and 3 were determined to be unnecessary during the development of REGDOC-3.1.1 .	Remove bullets 1 and 3	<b>MAJOR</b>	As written, the inclusion of these bullets is inconsistent with REGDOC-3.1.1 and could generate regulatory confusion/uncertainty.
29.	Section 4.2 Page 7 item 11	Any actions that the licensee has taken to inform the public and target audience about the situation or event	Delete, this action is already achieved through the public information program of the licensee on an as needed	<b>MAJOR</b>	If not modified, this will set requirements in excess of the Public Information and Disclosure RD/GD

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			basis. Not all the reportable events are required to be disclosed to the public.		document.
30.	Appendix A Page 9	Why is 'immediate reporting' applied to all types of events? Events with low safety significance should not require immediate reporting	Replace by reporting timelines by safety significance, same as in REGDOC 3.1.1 (section 2 – items 1-8, and 10)	<b>MAJOR</b>	Administrative burden on licensee and regulator due to immediate response requirement.
31.	Appendix A Table A	Additional guidance is provided in REGDOC-3.1.1 on a non-compliance situation. This should be included. This section of the REGDOC should be consistent with REGDOC 3.1.1	Add as 1.a : <b>Guidance</b> Regulations made pursuant to the NSCA, orders of the CNSC, a designated officer or an inspector, and licence conditions have their origins from the NSCA. Therefore, it is understood that a contravention of a regulation made pursuant to the NSCA, of an order or of a licence condition is a contravention of the NSCA.	Clarification	
32.	Appendix A Table A	Requirements of GNSCR 9(4) missing.	Add as 1.b : <i>General Nuclear Safety and Control Regulations (GNSCR):</i> 9. (4) Every person who carries on an activity without a licence in accordance with	Clarification	

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			subsection (1) or (2) shall immediately notify the Commission of that fact.		
33.	Appendix A Table A	Timing for preliminary report does not distinguish between significant and non-significant events. The timing of reporting should be commensurate with the risk.	Change to: immediate for significant or 5 business day for low significant levels. Full report due in 60 days (if required) Requirements should be different for 27(b) and 29(1)	<b>MAJOR</b>	Adds administrative burden with no benefit
34.	Appendix A Table A Section 3a A contingency plan may include: i. any situation or event (flood, fires, earthquakes, etc.) that requires the implementation of an emergency plan, or the use of any abnormal operating procedures or emergency operating procedures, or the mobilization of resources in response to the situation or event ii. the occurrence of any unusual external events (flood, fires, earthquakes, etc.) at or near the site that require	Subsection i. indicates any situation or event, however subsection ii. characterizes the same examples as "unusual external events"	Use consistent terminology "unusual external events" throughout	Clarification	

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	further inspection to verify its effect on any structures, systems and components				
35.	Table A No. 8	Guidance for s. 29(1) (f) of GNSCR: lists enumerated events that may have no serious adverse effects.	Remove enumerated list.	<b>MAJOR</b>	If intention is to require reporting of all enumerated events then it would create administrative burden; if the intention is to only require reporting of events with a serious adverse effect then it creates uncertainty.
36.	Table A No. 9	Title of the section includes Class II equipment	Is it applicable?	Clarification	
37.	Table A No. 9 a) and b)	60 days is required for full report	add "if required"	Clarification	
38.	Table A No. 9c)	Concerns Class II equipment	Is it applicable?	Clarification	
39.	Table A 9 d)	In many cases, these sources or devices are held under a separate licence and may not be included under the Class I or UMM licence. Reporting for devices must be done in accordance with the appropriate licence and Nuclear Substance and Radiation Devices Regulations	Clarify that these reporting requirements only apply if these are held under the Class I or UMM licence	<b>MAJOR</b>	Adds administrative burden with no benefit

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40.	Table A: 10 d)	No reference to an appropriate clause in the NSCA or Regulations is provided. This should Reference NSCA 24(5).	Add: Applicable section(s) of the NSCA or regulations made under the NSCA: <b>NSCA:</b> <b>24. (5)</b> A licence may contain any term or condition that the Commission considers necessary for the purposes of this Act, including a condition that the applicant provide a financial guarantee in a form that is acceptable to the Commission.	Clarification	
41.	Appendix A Table A 11 Specific reporting provisions The licensee shall report on all other situations or events that are not otherwise specified in this document but can be reasonably assumed to be of regulatory interest, including notifications and situation or event reports to other regulatory agencies within the scope covered by the objects of the Commission (see section 9	This section provides no useful information but acts as a catch all. The table could in consist of only section 11 and cover everything.  Additionally, Section 24(5) of the NSCA, this section on Specific reporting provisions, and the Guidance paragraph do not seem to be related.	Change wording to add: <i>Subject to the opinion of the licensee,</i> the licensee shall report on all other situations or events that are not otherwise specified in this document but can be reasonably assumed to be of regulatory interest, including notifications and situation or event reports to other regulatory agencies within the scope covered by the objects of the Commission (see section 9 of the NSCA).	<b>MAJOR</b>	Adds administrative burden and uncertainty with no benefit

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	of the NSCA).				
42.	Appendix A Table A 10 & 11	Timing of reports should depend on significance level of situation or event	Change to: immediate for significant or 5 business day for low significant levels. Full report due in 60 days (if required) Requirements should be different for 27(b) and 29(1)	<b>MAJOR</b>	Adds administrative burden with no benefit
43.	Appendix A Table A 13a & 13b Licence condition: The licensee shall implement and maintain an environmental protection program, which includes a set of action levels. When the licensee becomes aware that an action level has been reached, the licensee shall notify the Commission within X days. Note: In the specific licence condition, "X days" will be replaced with a specified period.	If a facility does not have this condition written in their LCH in this manner, does the licensee have to follow the LCH condition on EPP and this REGDOC?  This example also exists in table section 13a)and all of 13b	Remove last paragraph of 13.a and all of 13.b	<b>MAJOR</b>	This REGDOC is inappropriately setting license conditions.
44.	Appendix A Table A Preamble to No. 13	No requirements are identified and adds no value	Remove the preamble to section 13 a and 13 b	Clarification	Adds no value and complicates the table.
45.	Appendix A Table A 13a	Reporting times for uranium mines and mills action levels are set out in code of	Add the following guidance: <i>Uranium mines and mills licensees are to follow the</i>	<b>MAJOR</b>	Leads to uncertainty in requirements

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		practice.	<i>reporting procedures referenced in the environmental protection program code of practice if an action level is reached (refer to UMMR 4(2) for the contents of a proposed code of practice)"</i>		
46.	Appendix A Table A 14	Reporting time should be based on significance level of the environmental impact	Change to: immediate for significant or 5 business day for low significant levels. Full report due in 60 days (if required)	<b>MAJOR</b>	Adds administrative burden with no benefit
47.	Appendix A Table A 15	In many cases, these sources or devices are held under a separate licence and may not be included under the Class I or UMM licence. Reporting for devices must be done in accordance with the appropriate licence and Nuclear Substance and Radiation Devices Regulations	Clarify that these reporting requirements only apply if these are held under the Class I or UMM licence	<b>MAJOR</b>	Duplication of reporting requirements
48.	Appendix A Table A 15	A requirement for Class II Facilities should not be included in this document. ?	Delete requirement		Duplication of reporting requirements
49.	Appendix A Table A 16	60 days is required for full report	add "if required"	Clarification	

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50.	Appendix A Table A 16 &17	Reporting is not required where there is not a hazard to health safety and security of persons as found in REGDOC-3.1.1 A27	Add to guidance: Immediate reporting is required only where a hazard to the health, safety and security of persons and the environment or to the security of the nuclear facility exists.	<b>MAJOR</b>	Adds administrative burden with no benefit
51.	Appendix A Table A 17	Timing of reports should depend on significance level of situation or event	Change to: immediate for significant or 5 business day for low significant levels. Full report due in 60 days (if required)	<b>MAJOR</b>	Adds administrative burden with no benefit
52.	Appendix B	The guidance is too detailed For example: Significant future activities or financial guarantee reporting should not be included in the Annual Compliance Monitoring report.	Remove the section from the Appendix. Make it more general and consistent with licensees LCH requirements.	<b>MAJOR</b>	Adds administrative burden with no benefit
53.	Appendix B P 42	Annual Compliance Monitoring Report sample includes analyses of five year trends in effluent and environmental monitoring results annually. This is provided in the EPRs. See general comment on the need for an annual report	Remove reference to five year trend analysis.	<b>MAJOR</b>	It would create significant costs to perform the in-depth analysis for effluent and environmental trends carried out in accordance with CSA N288 series on an annual basis.

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54.	Glossary	The definition of 'safety significance' conflicts with the definition in the International Atomic Energy Agency's (IAEA's) document SF-1, Fundamental Safety Principles [IAEA Safety Standards Series, 2006] where the term is restricted to radiation risks. The term is only used once in the REGDOC on p. 4.	Delete definition of 'safety significance' and replace with 'risk' on p. 4. or remove reference to the IAEA SF-1	Clarification	