



Canadian Nuclear
Safety Commission

Commission canadienne
de sûreté nucléaire

Record of Decision

DEC 20-H103

In the Matter of

Applicant New Brunswick Power

Subject One-time exemption from section 30.0 of
RD-204, *Certification of Persons Working at
Nuclear Power Plants*, for the Point Lepreau
Nuclear Generating Station

Date of
Decision April 30, 2020

RECORD OF DECISION – DEC 20-H103

Applicant: New Brunswick Power

Address/Location: 515 King Street, Fredericton, New Brunswick, E3B 5G4

Purpose: One-time exemption from section 30.0 of RD-204,
*Certification of Persons Working at Nuclear Power
Plants*, for the Point Lepreau Nuclear Generating Station

Application received: January 7, 2020

Date of decision: April 30, 2020

Location: Canadian Nuclear Safety Commission
280 Slater St., Ottawa, Ontario

Panel of Commission: R. Velshi, President

Exemption: Granted

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1.0 INTRODUCTION

1. New Brunswick Power (NB Power) submitted a request to the Canadian Nuclear Safety Commission (CNSC)¹ on January 7, 2020 for a one-time exemption² from section 30.0 of RD-204, *Certification of Persons Working at Nuclear Power Plants*³ in respect of one specific Point Lepreau Nuclear Generating Station (PLNGS) employee (the candidate) who is undertaking the Control Room Operator in Training (CROIT) program. The PLNGS is located 2 km northeast of Point Lepreau, New Brunswick. Due to the confidential nature of the candidate's personal information, this decision shall not refer to specific details about the candidate.
2. NB Power has requested a one-time exemption from the application of section 30.0 of RD-204 for the candidate. As per section 30.0 of RD-204 and the conditions stipulated therein, the candidate had been granted a one-year extension to the validity of knowledge-based certification examinations and was required to complete the general and nuclear power plant (NPP)-specific certification examinations by August 26, 2019 and January 30, 2020, respectively, but was not able to do so. At the time that the examination validity periods expired, licence condition 2.4 of PROL 17.00/2022 – which was the licence applicable to NB Power's operations at that time – required NB Power to "... *implement and maintain certification programs in accordance with CNSC regulatory document RD-204, Certification of Persons Working at Nuclear Power Plants.*" NB Power is therefore requesting this exemption to allow for the certification of the candidate in the Control Room Operator (CRO) position despite missing the timelines.
3. NB Power suggested a three-year extension of the validity period on the basis that REGDOC-2.2.3, *Personnel Certification, Volume III: Certification of Persons Working at Nuclear Power Plants*,⁴ published in September 2019 and superseding RD-204, allows for a validity period extension of three years for knowledge-based examinations, rather than the one-year extension as stipulated in RD-204.

Issue

4. In considering whether to grant NB Power a one-time exemption from the application of section 30.0 of RD-204 for the candidate specified in CMD 20-H103.1, the Commission was required to decide whether granting the exemption will not pose an unreasonable risk to the environment or the health and safety of persons.

¹ The *Canadian Nuclear Safety Commission* is referred to as the "CNSC" when referring to the organization and its staff in general, and as the "Commission" when referring to the tribunal component.

² The exemption being sought by NB Power is not an exemption as contemplated by section 7 of the NSCA as it is not an exemption from "... *the application of (the NSCA) or the regulations or any provision thereof.*"

³ CNSC Regulatory Document RD-204, *Certification of Persons Working at Nuclear Power Plants*.

⁴ CNSC Regulatory Document REGDOC-2.2.3, *Personnel Certification, Volume III: Certification of Persons Working at Nuclear Power Plants*.

Hearing

5. Pursuant to section 22 of the NSCA, the President established herself to preside as a Panel of one Commission member to hear the application. The Commission, in conducting a public hearing based on written materials, considered written submissions from NB Power (CMD 20-H103.1) and CNSC staff (CMD 20-H103).

2.0 DECISION

6. Based on its consideration of the matter, as described in more detail in the following sections of this *Record of Decision*, the Commission concludes that a one-time exemption from the requirements of section 30.0 of RD-204 for the identified candidate would not pose an unreasonable risk to the health and safety of persons, the environment or national security. Therefore, the Commission,

grants a one-time exemption to New Brunswick Power from the application of section 30.0 of RD-204, *Certification of Persons Working at Nuclear Power Plants*, for the identified candidate.

7. The Commission's decision in this matter reflects a *one-time* exemption exclusively as it pertains to the candidate cited in NB Power's written submission (CMD 20-H103.1). Furthermore, this exemption reflects a maximum three-year extension to the validity period of the knowledge-based certification examinations for the identified candidate, meeting the intent of the recently approved REGDOC-2.3.3, Volume III.⁵ The extended validity period of the candidate's general examination is until January 30, 2022 and of the candidate's NPP-specific examination is until August 26, 2021.
8. The Commission would like to note that exempting NB Power from the application of section 30.0 of RD-204 for the identified candidate does not certify the candidate as a CRO. In respect of certifying that candidate as a CRO, section 9 of the *Class I Nuclear Facilities Regulations*⁶ provides the conditions under which the Commission or a CNSC designated officer may certify a person referred to in paragraph 44(1)(k) of the NSCA for a position referred to in a licence.

⁵ Memorandum to President, Request for approval of REGDOC-2.2.3, *Personnel Certification, Volume III: Certification of Person Working at Nuclear Power Plants*, August 20, 2019.

⁶ SOR/2000-204

3.0 ISSUES AND COMMISSION FINDINGS

9. In making its decision, the Commission considered a number of issues relating to the qualifications of the candidate and the circumstances surrounding the requested exemption from section 30.0 of RD-204. The Commission also assessed the measures that the candidate has taken to ensure that they have maintained the knowledge and skills required throughout the CROIT program and to work competently in the CRO position.
10. The Commission considered the facts on this matter, as submitted by NB Power and CNSC staff, as follows:
 - NB Power reported that the candidate completed their general and NPP-specific examinations on January 30, 2015 and February 26, 2016, respectively.
 - Following a one-year extension per section 30.0 of RD-204, the validity of the candidate's general and NPP-specific examinations expired on January 30, 2020 and August 26, 2019, respectively.
 - NB Power submitted that the candidate successfully completed the simulator-based certification examination in April 2019, which clearly demonstrated that the candidate had maintained the required station-specific knowledge.
 - NB Power reported that the candidate had completed several continuing training courses in 2019, demonstrating that the candidate has maintained the required continuing training for the CRO position.
 - NB Power submitted that the candidate had a 5.5-month absence from the workplace in 2019, but explained that the candidate had since completed all missed continuing training and simulator-based training.
 - CNSC staff submitted that, because the PLNGS is a single-unit station, there is a lower number of candidates going through the certification program, as compared to a multi-unit station, and that this led to delays in training for the candidate.
 - CNSC staff reported that the candidate has successfully completed the required CROIT program-related training with no performance issues.
 - CNSC staff reported that the candidate is currently completing the required 480 hours of co-piloting required for CRO certification.
 - CNSC staff reported that, on January 20, 2020, NB Power submitted a request for the initial certification of the candidate as a CRO as the candidate had successfully completed the knowledge-based and performance-based examinations, the validity of which has now expired.

These are the facts surrounding the expiry of the validity of the knowledge-based certification examinations, leading NB Power to request the one-time exemption from section 30.0 of RD-204 for this candidate.

11. The Commission understands that the CNSC designated officer could not certify the candidate in the CRO position because, per the specifications of RD-204, the validity period of the candidate's knowledge-based certification examinations had expired. As such, pursuant to section 31.0 of RD-204, the candidate would be required to re-establish the validity of the certification examinations by successfully retaking them.⁷
12. Although the certification specifications of RD-204 are applicable in this case since the licence under which NB Power was operating in August 2019 and January 2020 referred to RD-204 in licence condition 2.4, CNSC staff submitted that REGDOC-2.2.3, Volume III allows for a three-year extension to the validity period of knowledge-based certification examinations. CNSC staff further submitted that, since its reviews had found that the candidate had maintained the knowledge and skills required to work competently in the CRO position, an exemption from section 30.0 for the candidate was reasonable and appropriate.
13. Based on the information considered about the candidate, their training and performance in respect of the certification process for the CRO position, the Commission is of the view that having the candidate retake the knowledge-based certification examinations is not necessary. The Commission is satisfied that granting the individual an exemption from section 30.0 of RD-204 would not pose an unreasonable risk to the health and safety of persons, or the environment. Further, and in consideration of the recent approval of REGDOC-2.2.3, Volume III and the subsequent NPP licence amendments, a one-time exemption of the candidate from section 30.0 of RD-204 aligns with the requirements of REGDOC-2.2.3, Volume III.
14. The Commission recalls its decision on April 9, 2020 to amend licence condition 2.4 of the PLNGS operating licence, PROL 17.01/2022, to reference REGDOC-2.2.3, Volume III instead of RD-204.⁸ In that decision, the Commission stated that it was

“satisfied that the proposed licence amendments to replace reference to RD-204 with reference to REGDOC-2.2.3, Volume III in the Bruce Power, OPG and NB Power PROLs will not present an unreasonable risk to the health and safety of workers, the public or the environment.”

The Commission is of the view that setting a three-year extension to the validity periods of the knowledge-based certification examinations is appropriate, and this exemption from section 30.0 of RD-204 accords with the current requirements of the licence. The exemption is necessary to reflect the timing of the validity periods for this candidate, and

⁷ RD-204, section 31.0 states “Where a person seeking certification for a given position cannot be certified within the validity period specified after successfully completing an applicable certification examination, even with the provisions of section 30.0 taken into account, the person shall successfully complete another certification examination of the same type to demonstrate, prior to certification, that the person still has the knowledge and skills required to work competently in the position.”

⁸ On April 9, 2020, the Commission amended licence condition 2.4 of the PLNGS operating licence to reference REGDOC-2.2.3, Volume III instead of RD-204, providing for the three-year extension to knowledge-based certification examination validity period. The Commission's decision in this matter is documented in DEC 20-H100, with the amended licence, PROL 17.01/2022, valid until June 30, 2022.

has the effect, in the Commission's view, of aligning the requirements applicable to this candidate, with those requirements that are currently applicable under the licence.

4.0 CONCLUSION

15. The Commission has considered the application submitted by NB Power for a one-time exemption from section 30.0 of RD-204 for the candidate. The Commission has also considered the information and submissions of NB Power and CNSC staff as set out in the material available for reference on the record.
16. The Commission concludes that a one-time exemption from the requirements of section 30.0 of RD-204 for the candidate would not pose an unreasonable risk to the health and safety of persons, the environment or national security, and would align with the currently-applicable standards that were recently implemented in the licence.
17. Therefore, the Commission grants a one-time exemption to New Brunswick Power from the application of section 30.0 of RD-204, *Certification of Persons Working at Nuclear Power Plants*, for the identified candidate. This exemption reflects a maximum three-year extension to the validity period of the knowledge-based certification examinations for the identified candidate, meeting the intent of REGDOC-2.3.3, Volume III.

Velshi,
Rumina

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April 30, 2020

Rumina Velshi
President,
Canadian Nuclear Safety Commission

Date