

Submissions Received during Public Consultation of Discussion Paper DIS-13-02- Proposed Amendments to Regulations Made Under the Canadian *Nuclear Safety and Control Act* / Mémoires reçus lors de la consultation publique sur le document de travail DIS-13-02, *Modifications proposés aux règlements pris en vertu de la Loi sur la sûreté et la réglementation nucléaires*

Please note comments submitted are posted in the official language in which they were received.
/ Veuillez noter que les commentaires soumis sont publiés dans la langue officielle dans laquelle ils ont été soumis.

Associations and Organizations/ Associations et organisations :

- [Association québécoise des médecins médicaux cliniques](#)
- [Canadian Nuclear Association/ Association nucléaire canadienne](#)
- [Greenpeace Canada](#)
- [New Clear Free Solutions](#)
- [Power Workers' Union](#)

Government/ Gouvernement :

- [Office of the Fire Marshal and Emergency Management of Ontario/ Bureau du commissaire des incendies et de la gestion des situations d'urgence d'Ontario](#)

Health Care Facilities and Hospitals/ Soins de santé et hôpitaux :

- [Grace Hospital Winnipeg, MB](#)
- [Centre de Santé et de Services Sociaux de Chicoutimi](#)
- [Canadian Blood Services/ Société canadienne du sang](#)
- [Winnipeg Regional Health Authority/ Office régional de la santé de Winnipeg \(1\)](#)
- [Winnipeg Regional Health Authority/ Office régional de la santé de Winnipeg \(2\)](#)

Individuals/ Personnes :

- [Dr. Jerry Cuttler](#)

Industrial Radiography; Gammagraphie industrielle :

- [Ezeflow Group](#)

Life Sciences/ Sciences de la vie :

- [Nordion](#)
- [Best Theratronics, Ltd.](#)

Nuclear Power Plants and Research Reactors/ Centrales nucléaires et réacteurs de recherche :

- [AECL/ EAACL \(1\)](#)
- [AECL/ EAACL \(2\)](#)
- [Bruce Power \(1\)](#)
- [Bruce Power \(2\)](#)
- [Énergie NB Power \(1\)](#)

- [Energie NB Power \(2\)](#)
- [OPG](#)

Uranium Mining and Exploration/ Extraction et prospection de l'uranium :

- [Cameco](#)

20 janvier 2014

Commission canadienne de sûreté nucléaire

Objet : Commentaires sur le document de travail DIS-13-02 *Modifications proposées aux règlements pris en vertu de la Loi sur la sûreté et la réglementation nucléaires*

Nous vous soumettons nos commentaires sur le document de travail DIS-13-02, *Modifications proposées aux règlements pris en vertu de la Loi sur la sûreté et la réglementation nucléaires*. Nous remercions la CCSN de nous offrir l'opportunité de commenter tout projet de publication. En tant que titulaires de permis, nous pouvons poser un regard critique sur les implications que pose une mise en œuvre de nouvelles directives ou exigences réglementaires. Notre souci est d'assurer une utilisation sécuritaire de l'énergie nucléaire dans un environnement hospitalier. Nos commentaires seront donc teintés par la mise en application du DIS-13-02 dans un milieu hospitalier.

- Section 2.2 : Inclusion d'exigences relatives à la performance humaine et à l'aptitude au travail dans le règlement
 - L'idée de la proposition est souhaitable, mais sa formulation et surtout son cadre de mise en application devront être mieux définis afin de garantir une uniformité entre tous les titulaires de permis.
 - La performance humaine, ainsi que l'aptitude au travail, considérant le niveau de sécurité exigé, sont des sujets pouvant être traités subjectivement, d'où une mise en application hétérogène possible parmi les titulaires de permis.
 - La mise sur pied des mesures à prévoir demandera un temps non négligeable qui ne peut être estimé à l'heure actuelle étant donné le manque de précisions dans la formulation de la proposition, ou l'absence d'un guide d'application de la réglementation à cet effet.
- Section 2.5 : Les titulaires de permis doivent informer les premiers intervenants de la présence et de l'emplacement de substances nucléaires radioactives ou d'équipement réglementé
 - Cette proposition est déjà partiellement appliquée en milieu hospitalier.
 - Afin de garantir une uniformité d'application pancanadienne, il serait avisé de spécifier plus explicitement les entités devant être informées.
 - Certaines informations sont sensibles et ne devraient pas être transmises ni publicisées sans aucune réserve. Il faudrait s'assurer que la publication d'informations en lien avec les substances nucléaires n'augmente pas le niveau de risque de leurs utilisations malveillantes.
 - Un temps sera à prévoir pour créer la documentation répertoriant les substances nucléaires et appareils réglementés, leurs localisations et les dangers associés, ainsi que pour transmettre cette information à autant de corps professionnels que l'entend la CCSN. Si elle entend exiger également que les premiers répondants visitent en personne les installations, un temps récurrent devra être planifié afin de permettre de telles visites, selon une fréquence qui devra être mieux définie.

- Section 2.7 : Exemption des exigences relatives à l'accréditation des responsables de la radioprotection de catégorie II pour le personnel accrédité de catégorie I
 - Le sujet de l'accréditation d'un responsable de la radioprotection pour l'équipement réglementé de catégorie II a fait récemment l'objet d'une consultation populaire à laquelle nous avons soumis nos commentaires (REGDOC-2.2.3 *Gestions du rendement humain : Accréditation du personnel : Responsable de la radioprotection*). Les commentaires que nous avons soumis spécifiquement à l'article 1.3 de ce document doivent être considérés comme faisant partie intégrante de nos commentaires que nous soumettons présentement.
 - Les articles 15.03 d) et 15.04 (2) du *Règlement sur les installations nucléaires et l'équipement réglementé de catégorie II* exige une accréditation spécifique pour chaque type d'équipement de catégorie II. L'article 4.3.3 du document REGDOC-2.2.3 met l'accent sur l'importance d'obtenir une accréditation spécifique au type d'installation que possède le titulaire de permis de catégorie II.
 - Ces articles ci-haut mentionnés viennent en contradiction avec l'article 15.12 du *Règlement sur les installations nucléaires et l'équipement réglementé de catégorie II*. Pourquoi un professionnel de la santé, RRP accrédité pour une installation de catégorie II, devrait-il être contraint à obtenir une nouvelle accréditation pour un nouveau type d'installation mis à sa charge, alors qu'un RRP accrédité pour une installation de catégorie I est exempté de toute accréditation en regard de n'importe quel type d'installation de catégorie II ? L'industrie nucléaire de catégorie I est très différente de l'industrie nucléaire de catégorie II. L'industrie de l'énergie nucléaire est très différente de l'industrie de la santé humaine.
 - Nous supportons l'accréditation de tous les RRP par la CCSN en fonction du type d'installation et d'équipement réglementé.
 - Nous suggérons fortement de considérer une modification réglementaire du *Règlement sur les installations nucléaires et l'équipement réglementé de catégorie II* en abrogeant l'article 15.12. Si cet article n'est pas abrogé, nous suggérons à la CCSN, par souci de transparence, d'expliquer les arguments justifiant une telle position.
- Section 2.8 : Abrogation d'une clause désuète concernant l'accréditation des responsables de la radioprotection
 - Si aucun RRP ne bénéficie à ce jour de la clause « de droits acquis », alors l'abrogation de l'article 15.06 du *Règlement sur les installations nucléaires et l'équipement réglementé de catégorie II* est souhaitable afin de ne pas perpétuer par inadvertance cette clause.

- Section 2.10 : Clarification du concept d'« intérêt dans la question en cause »
 - L'harmonisation terminologique ente les règlements et les règles adoptées par le Gouvernement canadien est souhaitable.
 - La proposition de clarification est perçue comme une restriction imposée à la population canadienne de pouvoir s'exprimer sur les projets désignés.
 - Bien que notre association professionnelle ne puisse prendre une position unanime envers cette proposition, nous tenons à mentionner le malaise de plusieurs membres envers le concept de restriction des droits d'expression individuelle. La CCSN étant un organisme public, pourquoi ne pas laisser à la population l'opportunité de s'exprimer, quelle ait un intérêt direct ou indirect ?
 - Nous comprenons qu'il est question de trouver le meilleur compromis social entre une liberté d'expression et une efficacité procédurale.

Soyez assuré de notre entière collaboration,

Sincèrement,

Normand Frenière, MCCPM
Conseiller à l'assurance qualité et à la radioprotection
Association québécoise des physiciens médicaux cliniques
819-697-3333 #63085
caqr@aqpmc.ca

Membres du comité d'assurance qualité et de radioprotection :

Normand Frenière	Centre hospitalier régional de Trois-Rivières	Trois-Rivières
Michael Evans	Centre universitaire de santé McGill	Montréal
Marie-Joëlle Bertrand	Centre de santé et services sociaux de Chicoutimi	Chicoutimi
Christophe Furstoss	Hôpital Maisonneuve-Rosemont	Montréal
Lysanne Normandeau	Centre hospitalier universitaire de Montréal	Montréal
Alain Gauvin	Centre universitaire de santé McGill	Montréal

C C : François Deblois, président, Association québécoise des physiciens médicaux cliniques



March 21, 2014

Brian Torrie
Director General
Regulation Policy Directorate
Canadian Nuclear Safety Commission
280 Slater Street
Ottawa, ON
K1P 5S9

Canadian Nuclear Association Comments on DIS-13-02, Proposed Amendments to Regulations Made Under the Nuclear Safety and Control Act

The Canadian Nuclear Association (CNA) has approximately 100 member companies, representing over 60,000 Canadians [1] employed directly, or indirectly, in exploring and mining uranium, generating electricity, and advancing nuclear medicine. The members of the CNA are committed to ensuring safety throughout all aspects of our industry, and being responsible environmental stewards.

The Canadian Nuclear Association has reviewed Discussion Paper DIS-13-02 in consultation with our members and has several comments that we wish to communicate to CNSC staff. We appreciate the opportunity to review the document and thank you for seeking feedback at the onset of the process.

The CNA members are generally supportive of the proposed changes. The CNA recommended that clarity of wording always be given to clearly demark the class of licensee that the regulations would apply to, and that the requirements are commensurate with the level of risk associated with every site and licensee.

There are a number of items that we believe would cause an unnecessary burden on our members and not result in an improvement to safety. These matters are discussed below.

1. Submission of Provincial Offsite Emergency Plans to the CNSC

The CNSC is proposing to amend the Class I Nuclear Facilities Regulations to require that applicants / licensees submit their offsite emergency response plans of their provincial ministry or branch of government and/or municipal government to the CNSC.

The CNA and its members do not support such a requirement as there is no apparent benefit to safety by implementing it. The offsite emergency plans are already publically available. Licensee plans for similar requirements are already embedded into the licensee emergency plans that are required by regulation.



2. Inclusion of Human Performance and Fitness for Duty Requirements in the Regulations

The CNSC staff are proposing to include a requirement to ensure that license applicants and licensees address human performance and fitness for duty in a safe and reliable manner, in order to prevent unreasonable risk to the health and safety of persons and the environment. All licensees would be expected to have measures in place to support the performance of workers in carrying on the licensed activities, and to ensure workers are physically, physiologically and psychologically fit to fulfill their duties at the required levels of safety.

The CNA and its members do not support the inclusion of this new requirement. All licensees have Human Performance programs that are commensurate with the risk for the licensed activity. Current regulations provide sufficient authority to the CNSC in this area, and it is not clear what benefit including this provision in the NSCA would bring. Any new regulation imparts burdens on our members and new regulations should only be developed where sufficient authority does not already exist.

3. Certification of Exposure Device Operators

The CNSC is proposing to amend the Nuclear Substances and Radiation Devices Regulations to require certification to Exposure Device Operators (EDO) to be valid for a specified period of time, and would require EDO's to regularly renew their certification.

The CNA generally supports this proposed amendment. However the requirement for radiographers to be able to produce their credentials upon request of a CNSC inspector is problematic in certain work environments, and indeed could compromise safety. For example, in Class I facilities radiography is often performed in radiological work areas. Carrying a certification card in such areas at all times would present a risk of the spread of contamination.

The CNA recommends that the proposed amendment be worded with more flexibility so to allow radiographers to produce certification credentials if requested during an inspection, but without a requirement for them to carry the documentation with them at all times while engaged in field work.

4. Licensees to Inform First Responders to the Presence and Location of Radioactive Nuclear Substances or Prescribed Equipment

The CNSC is proposing to amend the Nuclear Substances and Radiation Devices Regulations to require that all licensees in possession of these nuclear substances, or devices containing these substances, inform their local first responders of the presence of these materials on their site, and to include the hazards they could pose to offsite emergency responders.

The CNA is generally supportive of the proposed amendments, however a number of items have been identified for consideration by CNSC staff.

The term "local first responders" is defined in the Transportation of Dangerous Goods Act as those responders who form part of the emergency response plan. In the current CNSC proposal, this definition is not clear. We recommend that local first responders be defined as those identified in the Site Emergency Plan.



For facilities that have their own emergency responders, local first responders would be in a follow-on role in support of the site response team. Local first responders would receive a safety/hazard briefing on arrival and would work under the direction of the site emergency responders. As a result the first responders radiological safety is maintained by the licensee and local first responders do not require this information.

Consideration should be given that the proposed regulation could require the disclosure of sensitive information, especially Classified details regarding the storage of nuclear material. Detailed inventories may be designated as Classified-Secret and industry would require assurance from the CNSC that a non-classified summary would be considered sufficient.

The proposed amendments requiring informing first responders of the presence and location of radioactive substances and prescribed equipment could become a major information and training burden on our members. These requirements would not increase safety for sites that have their own emergency response organizations in place.

We thank you for your consideration in this matter. If you or your staff require further clarification on any of the above information, please do not hesitate to contact me at 613-237-4262.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Peter Poruks', with a long horizontal flourish extending to the right.

Dr. Peter Poruks
Manager of Regulatory Affairs
Canadian Nuclear Association

Cc.

Dr. John Barrett, President, Canadian Nuclear Association
Heather Kleb, M.Sc., Vice President, Canadian Nuclear Association

References

[1] Canadian Manufacturers and Exporters, 2012, *Nuclear, A Canadian Strategy for Energy, Jobs and Innovation* 2012 September presentation deck.



Canadian
Environmental Law
Association
EQUITY. JUSTICE. HEALTH.

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March 21, 2014

Canadian Nuclear Safety Commission
280 Slater Street
P.O. Box 1046, Station B
Ottawa, Ontario K1P 5S9
CANADA
Via email: consultation@cnsccsn.gc.ca

Re: Opposition to restrictions on public participation proposed in *Discussion Paper DIS-13-02*

To whom it may concern,

We write to state our opposition to the proposed amendments to the Canadian Nuclear Safety Commission's (CNSC) Rules of Procedure to reduce public participation in Commission hearings. In our view, this proposal should be abandoned and instead replaced with initiatives to broaden and enable public participation in the oversight of Canada's nuclear industry.

In November 2013, the CNSC published *Discussion Paper DIS-13-02*. Based on recent restrictions on public participation carried out by the National Energy Board, this document proposes to amend CNSC regulations in order to restrict participation in future CNSC hearings to a "person who is directly affected by the carrying out of the designated project."

If implemented, this proposal could significantly limit participation in CNSC hearings. We do not believe this is in the public interest and could weaken nuclear oversight in Canada.

Notably, *Discussion Paper DIS-13-02* provides no tangible justification or evidence for limiting public participation other than claiming that current regulations are "somewhat vague" regarding what members of the public have an "interest" in any particular matter before the Commission.

We believe that these proposed limitations on public participation are contrary to lessons from the Fukushima disaster. It has been widely acknowledged (but not explicitly by the CNSC) that "regulatory capture" or "institutional failure" was the cause of the Fukushima disaster. The close relationship between Japan's nuclear regulator and Fukushima's operator created an uncritical and dismissive attitude that caused Fukushima disaster. Both Japan's nuclear regulator and Fukushima's operator were fully aware of the tsunami risk. Despite this, they did nothing about it.

To learn from Fukushima, we need to prevent - or at least mitigate - regulatory capture at the CNSC. It should be highlighted that the CNSC's review of the Fukushima disaster only considered the technical

causes of the disaster.ⁱ It did not examine existence of regulatory capture in Japan or how such conditions may exist in the Canadian context.

We believe increased public transparency and public participation is essential to avoiding the capture of Canada's regulator as happened in Japan.

It should be noted there are already significant barriers to public participation in CNSC licensing hearings. Some of these barriers include the lack of timely access to CNSC and licensee safety reviews and analysis, time restrictions on oral presentations, and the inability to directly question CNSC staff and licensees.

We request that Commission abandon the current proposal to limit public participation in CNSC proceedings. Aside from claiming that current regulations are 'somewhat vague' the CNSC has not provided sufficient reasons or evidence to justify limiting public participation.

On the other hand, the Fukushima disaster has highlighted the benefit of broadening and enabling public participation in CNSC proceedings. Broadened public participation and transparency will strengthen accountability and reduce the risk of regulatory capture at the CNSC. This should be the explicit goal of any future amendments to the CNSC's Rules of Procedure.

As well, the government has introduced a Bill C-22, *An Act respecting Canada's offshore oil and gas operations, enacting the Nuclear Liability and Compensation Act, repealing the Nuclear Liability Act and making consequential amendments to other Acts*. C-22 proposes to limit the liability of reactor operators in Canada to a mere \$1 billion. It also completely absolves companies that design or service Canada's reactors of responsibility - even if their negligence causes an accident. Bill C-22 *does not* provide operators and suppliers of oil and gas facilities similar protection.

Bill C-22 effectively transfers the risk of nuclear operations from the nuclear industry to Canadians. All Canadians thus have an interest in all matters before the CNSC.

We thus formally request enabling and broadening public participation be made an explicit goal of any future amendments to the CNSC *Rules of Procedure*. The current proposal should be abandoned.

We would be happy to provide input on any future proposal to enhance public participation requirements in the Rules of Procedure.

For example, the following proposals could help enable public participation:

- **Create two categories of oral presentations.** Recent Joint Review Panels used two categories – interventions and statements – to enable members of the public with different levels of expertise or concern to participate. Oral statements were limited to ten minutes while interventions could present for up to 30 minutes. These categories would allow longer time for members of the public seeking to make more in-depth presentations while allowing for shorter statements of public concerns.

- **Allow the public to make written interrogatories of CNSC staff and licencees.** Other regulatory agencies, such as the Ontario Energy Board, allow intervenors to make written interrogatories to acquire additional information or clarification before making their written submissions. Currently there is no formal procedure for intervenors to pose questions to licencees or CNSC staff.

Thank you for your attention in this matter.



Theresa McClenaghan
Executive Director, Canadian Environmental Law Association



Chris Rouse
Founder, New Clear Free Solutions



Shawn-Patrick Stensil
Nuclear Analyst, Greenpeace

¹ Terms of Reference CNSC Task Force Review of Japan Nuclear Event, April 28, 2011. See: http://nuclearsafety.gc.ca/eng/pdfs/japan-earthquake/April-28-2011-CNSC-Task-Force-Terms-of-Reference_e.pdf

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March 21, 2014

Canadian Nuclear Safety Commission
280 Slater Street
P.O. Box 1046, Station B
Ottawa, Ontario K1P 5S9
CANADA
Via email: consultation@cnsccsn.gc.ca

Re: New Clear Free Solutions Comments on Discussion-Paper-DIS-13-02

To whom it may concern,

Please find below New Clear Free Solutions comments on Discussion-Paper-DIS-13-02.

Sincerely

Chris Rouse

Rothesay, NB

Founder, New Clear Free Solutions

www.newclearfreesolutions.com



CNSC Proposal and Rational	Our Critique	Our Request
<p>2.10 Clarification of concept of “interest in a matter”</p> <p>2.10.1 Background The <i>Canadian Nuclear Safety Commission Rules of Procedure</i> provide discretion to the Commission to allow stakeholders to intervene “in the manner and to the extent that the Commission considers” appropriate, if the person:</p> <ul style="list-style-type: none"> has an interest in the matter being heard has expertise in the matter or information that may be useful to the Commission in coming to a decision <p>Recently, the National Energy Board, as well as the <i>Canadian Environmental Assessment Act 2012</i>, introduced more clarity to the concept of “interest in a matter” by defining an interested party as a “person who is directly affected by the carrying out of the designated project”.</p> <p>2.10.2 Issue The Commission has historically accepted interventions from a wide range of stakeholders, provided those interventions were relevant to the matter at hand.</p>	<p>All persons in Canada have a “direct interest” in the licensing decisions of the Commission under the NSCA. These interests include public safety; protection of human health and the natural environment; protection from misuse of nuclear technology; non-proliferation; and nuclear emergency planning.</p> <p>No interested person who wishes to appear and provide input to the Commission should be dissuaded from doing so.</p> <p>In addition, many persons who are citizens or residents of other countries including especially the United States have a “direct interest” in the licensing decisions of the Commission for among other reasons, the shared environment including shared atmosphere and waters. This would be one reason that the recently negotiated Great Lakes Water Quality Agreement, an Agreement under the auspices of the International Boundary Waters Treaty, binding on Canada, specifically requires certain notifications to be given to each other through the Great Lakes Executive Committee. Notification is required for planned nuclear facilities, hazardous waste storage, mining and mining related activities and other matters.</p>	<p>In light of the Fukushima disaster, we recommend that any change to rules of procedure related to public participation be aimed at enabling additional input and scrutiny from non-industry stakeholders. There is no credible reason to limit outside views on nuclear generation given the risks involved.</p> <p>From this perspective, we suggest that the commission consider providing different levels of participation, and different rights and responsibilities according to different levels of participation. This is already routinely done in other tribunals.</p> <p>We recommend that the Rules of Procedure be amended to create two categories of oral presentations.</p> <p>Recent Joint Review Panels used two categories – interventions and statements – to enable members of the public with different levels of expertise or concern to participate. Oral statements were limited to ten minutes while interventions could present for up to 30 minutes. These categories would allow longer time for members of the</p>



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However, there has been no attempt to clarify, in regulations, what constitutes “interest in a matter”, or how stakeholders are expected to demonstrate that they have a sufficient interest in a matter being heard by the Commission.

2.10.3 Proposal

The CNSC is therefore proposing to amend rule 19 of the *Canadian Nuclear Safety Commission Rules of Procedure*, to qualify the concept of “interest in a matter.” It is proposed that in addition to persons who have expertise or information that may aid the Commission in coming to a decision, only interventions from stakeholders with a “direct interest” in a matter would be accepted, or in cases where a proposed project could have a “direct effect/impact” on a person’s interest.

Should this distinction be made in the *Rules of Procedure*, the CNSC would develop criteria to clarify and further define what is meant by a “direct” interest or impact, to ensure clarity for both the Commission and stakeholders.

2.10.4 Benefit

This change, if implemented, will help to clarify a concept that has remained somewhat vague within CNSC rules and regulations. It would also align the specific language being proposed for the *CNSC Rules of Procedure*

The nuclear liability act puts all Canadians at societal risk from a nuclear accident. Not only did the people in proximity to Fukushima suffer the negative impacts of societal risks, all of the residents of Japan have and will continue to suffer. The economy of Japan has vastly changed from a net export country to a net import country due to lack of full operator liability. The World Health Organization definition of health that Canada has agreed upon:

“Health is a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity.”

Lessons learned from Fukushima inform us that in reality, when national and geographical (Eastern seaboard) factors are considered, the societal and mental well-being of all Canadians may be at risk from a nuclear accident, and therefore all Canadians would be directly affected, and participation should not be limited .

public seeking to make more in-depth presentations while allowing for shorter statements of public concerns.

We also recommend that the public be given right to make written interrogatories to the CNSC and the licensees. Other regulatory agencies, such as the Ontario Energy Board, allow interveners to make written interrogatories to acquire additional information or clarification before making their written submissions. Currently there is no formal procedure for interveners to pose questions to licensees or CNSC staff.



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<p>with terminology that has recently been adopted by some other Canadian regulatory agencies.</p> <p>2.9 Clarification of nature and scope of “requests for rulings”</p> <p>2.9.1 Background Rule 20 of the CNSC’s <i>Rules of Procedure</i> states that at any time before the start of a public hearing, an intervener may file a request with the Commission for a ruling on a particular issue. This is done by setting out the issue and the reasons for seeking the ruling.</p> <p>This rule also states that a participant may make an oral request to the Commission for a ruling on a particular issue, at any time during the public hearing, by explaining the issue and the reasons for seeking ruling.</p> <p>Finally, rule 20 states that the Commission shall give its decision, in relation to a request for a ruling, after the Commission has provided all the relevant persons with an opportunity to present their views on the request.</p> <p>In recent public hearings, participants have invoked rule 20 during their oral intervention to request a Commission ruling on a matter of</p>	<p>Does this mean that there will be no “substantive” requests for rulings? It appears that the CNSC only want preliminary or procedural requests for rulings. From our interpretation of section 2.9.1 Background:</p> <p>“In recent public hearings, participants have invoked rule 20 during their oral intervention to request a Commission ruling on a matter of substantive nature (such as the outcome of the hearing itself), as opposed to a preliminary or procedural matter. “</p> <p>Also at the Pickering hearings the commission stated that they thought some of the requests for rulings were not procedural, but were going to address them anyway.</p> <p>From Pickering Decision:</p>	<p>Please clarify if the proposal is to limit Requests for Rulings to only procedural rulings. If so, please explain what avenue will be available to address substantive requests for rulings?</p>
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<p>substantive nature (such as the outcome of the hearing itself), as opposed to a preliminary or procedural matter.</p> <p>2.9.2 Issue The CNSC, to clarify the intent behind rule 20, is seeking to bring greater clarity to the manner in which requests for ruling are to be handled. The current rule seems to deal with preliminary matters differently from those matters arising during a hearing.</p> <p>11</p> <p>2.9.3 Proposal The CNSC is therefore proposing two amendments to rule 20 of the <i>Canadian Nuclear Safety Commission Rules of Procedure</i>.</p> <p>The first proposed amendment would require that requests for ruling be made in writing and submitted prior to a hearing. Such requests are to be defined as “preliminary requests for rulings”. It is proposed that section 20 (1) and (2) be modified to indicate that the Commission may entertain preliminary motions/requests before a hearing begins, and may provide its ruling before or after the conclusion of the hearing (with the decision),</p>	<p>“Whereas requests for rulings normally refer to procedural considerations, and that it could be disputed whether some of the requests fall within such an interpretation, the Commission has nonetheless considered these requests.”</p> <p>It is unclear which requests for ruling the commission was talking about, but we do not support anything that inhibits intervenors from asking for requests for rulings, similar to what was referred to at the Pickering hearings.</p>	
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<p>according to the considerations of fairness.</p> <p>The second proposed amendment is that rule 20(4) be amended to clarify that the Commission may issue a ruling upon a request, when it is fair and expeditious to do so, or may issue its decision at the end of the proceedings, upon consideration of all the evidence.</p> <p>2.9.4 Benefit These proposed changes in regulation would clarify how requests for ruling are to be handled. The changes would also help ensure that public hearings and other Commission proceedings continue to be conducted as informally, transparently and expeditiously as the circumstances and considerations of fairness permit.</p>		
<p>2.8 Repeal of obsolete clause regarding radiation safety officer certification</p> <p>2.8.1 Background At the time that section 15.06 of the Class II Nuclear Facilities and Equipment Regulations came into force it was intended to be a “grandfathering” clause for radiation safety officers (RSOs) who were already employed by a licensee. Section 15.06 of the regulations stipulated that RSOs working in their field were deemed to be certified, and therefore</p>		



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<p>did not require immediate re-certification at the time the regulations came into effect.</p> <p>2.8.2 Issue Today, all RSOs incumbent at the time the regulations came into effect have since been certified. There is no longer a need for a grandfathering provision in section 15.06.</p> <p>2.8.3 Proposal The CNSC is proposing to repeal section 15.06 of the Class II Nuclear Facilities and Prescribed Equipment Regulations.</p> <p>2.8.4 Benefit Repealing this obsolete provision will ensure precision and clarity of requirements. Further, also it ensures that the grandfathering clause is not inadvertently extended each time that an amended version of the Class II regulations comes into force.</p>		
<p>2.7 Exemption from Class II radiation safety officer certification requirements for Class I certified personnel</p> <p>2.7.1 Background The CNSC defines positions within a Class I facility for which certification from the CNSC is required. Such positions include, but are not limited to, the Senior Health Physicist, the Control Room Shift Supervisors and the Unit O Operators. Individuals who are so certified are also deemed to meet the requirements for a radiation safety officer (RSO) In other words, if a licensee appoints someone as a Class II</p>		



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radiation safety officer within a facility, and that person already possesses Class I certification from the CNSC, there is no need for that person to obtain an additional Class II RSO certification from the CNSC.

2.7.2 Issue

The language used to describe the circumstance described above, found in section 15 of the Class II Nuclear Facilities and Prescribed Equipment Regulations, is somewhat unclear. As written it could be interpreted to mean that it is possible to bypass appointing any RSO in relation to a Class II facility altogether – which is not the case.

2.7.3 Proposal

The CNSC is therefore proposing to make an amendment to the Class II Nuclear Facilities and Prescribed Equipment Regulations, to ensure that the language used in the section 15.12 “exemption clause” reflects more accurately that Class II certification is not required if an RSO is appointed in relation to a Class II facility and already possesses Class I certification.

2.7.4 Benefit

This change would help to clarify the intent of the regulation and remove ambiguity over the purpose of the exemption. Indeed, the exemption is about the certification level of an RSO, not about the requirement to appoint a certified RSO in respect of a Class II facility.



<p>2.6 Replace Requirement for “quality assurance program” with a Requirement for a “management system”</p> <p>2.6.1 Background</p> <p>The CNSC has always required that the safe operation of a facility shall be the paramount objective of a licensed organization. Under the CNSC’s safety and control area framework, nuclear facility licensees are currently required (as a licence condition) to implement a management system that integrates the requirements for health, safety, environment, security, economics, and quality. Licensees are also expected to monitor their performance against those safety objectives.</p> <p>The “management system” concept describes the implementation of a planned and systematic pattern of actions that achieves expected results in accordance with an established set of management system principles. This concept, as described, has evolved and expanded over the last 50 years. Originally referred to as “quality control”, it became “quality assurance”, then “quality management” and it is now known as “management system”. Each iteration saw a deepening and widening of the areas and topics covered.</p> <p>Today, the International Atomic Energy Agency (IAEA) defines the “management</p>		
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<p>system” for a nuclear facility as a set of interrelated or interacting elements that integrate safety, health, environment, security, quality and economic factors, to ensure the protection of people and the environment.</p> <p>2.6.2 Issue Although most nuclear facility licensees are required to put in place and implement a management system as a condition of their licence, the CNSC’s regulations continue to refer to “quality assurance programs”. At the same time, the CNSC’s regulatory framework refers to “management systems” and not “quality assurance programs” and most licensees of major nuclear facilities have management systems in place.</p> <p>2.6.3 Proposal The CNSC is proposing to amend the requirement in the Class I Nuclear Facilities Regulations and the Uranium Mines and Mills Regulations from “quality assurance program” to “management system”.</p> <p>2.6.4 Benefit This amendment will bring the CNSC regulations in line with modern international standards. It will also assist in clarifying requirements and promote greater consistency among licensees, for managing nuclear facilities in a safe and secure manner.</p>		



2.5 Licensees to inform first responders of the presence and location of radioactive nuclear substances or prescribed equipment

2.5.1 Background

The *Radiation Protection Regulations* require licensees to label radiation devices and to post durable and legible signs in a visible location where radioactive substances are stored or used. This requirement does not include the proactive disclosure of Category I and/or II nuclear substances², or devices containing these substances, to offsite emergency responders, such as paramedics, fire and police services. Category I nuclear substances are classified based on the quantities used in devices such as irradiators, gamma knives and teletherapy machines (with cobalt-60 and cesium-137). Category II substances are used in calibration facilities (with cobalt-60, cesium-137), industrial radiography (with cobalt-60, cesium-137, selenium-75) and in high-medium dose rate brachytherapy (with cobalt-60, cesium-137 or iridium-192).

In case of emergency, local first responders are the first to be called onsite to help manage an

event. Every municipality or city has an up-to-date emergency management plan, which takes into consideration plausible and



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potential hazards and sets out procedures for managing each situation on a risk-informed basis. Currently, on arrival at the scene of an emergency at such facilities, first responders will notice the presence of nuclear substances by the posted signage. However, the safety and security of emergency personnel and other Canadians would be enhanced if first responders were aware, in advance of the existence of these licenced materials.

2.5.2 Issue

At present, the CNSC has no regulatory requirements stipulating that licensees who work with nuclear substances and/or prescribed equipment must disclose their location and potential hazards to offsite emergency responders.

2.5.3 Proposal

The CNSC is proposing to amend the *Nuclear Substances and Radiation Devices Regulations* to require that all licensees in possession of these nuclear substances or devices containing these substances, inform their local first responders of the presence of these materials on their site, including the hazards they could pose to offsite emergency responders.

This proposed requirement would not apply to nuclear substances, equipment or sources that are in transit, since these safety



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<p>requirements are covered under the <u><i>Transportation of Dangerous Goods Act.</i></u></p> <p>2.5.4 Benefit Providing this information to first responder agencies will help to enhance their local emergency plans. It will improve the safety of first responders in the unlikely case of an emergency situation as it will allow them to approach the scene of an accident and/or provide treatment in a more knowledgeable and prepared, and therefore, safer manner.</p>		
<p>2.4 Certification of exposure device operators for a period defined by the Commission or designated officer</p> <p>2.4.1 Background The use and operation of an exposure device has been categorized as a high-risk activity by the CNSC. For this reason, the CNSC requires all exposure device operators (EDOs) to complete appropriate training and obtain certificates for operating such devices. The CNSC has recognized that the re-certification of EDOs at least once every five years would help improve the safety of workers, the Canadian public and the environment, by ensuring that all EDOs have</p>		



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up-to-date knowledge to perform their duties safely. To assist, the CNSC has engaged the Canadian Standards Association (CSA) to produce a new certification standard for EDOs. The industrial radiography industry – most notably through the Canadian Industrial Radiography Safety Association, whose membership consists of companies who employ EDOs – has been part of the CSA committee working on the development of this new certification standard.

2.4.2 Issue

At present, while CNSC regulations require that only certified persons can operate an exposure device, they do not define a time period or expiration date for this certification. Furthermore, nothing in the current regulations requires an EDO to carry a certification card, or to show proof of certification when requested to do so by a CNSC inspector. As such, when CNSC inspectors seek to verify that an individual using an exposure device is certified to do so, as part of the CNSC's regular compliance exercises, time is often lost if the EDO cannot immediately produce evidence of certification.

2.4.3 Proposal

The CNSC is proposing to amend the Nuclear Substances and Radiation Devices Regulations to require the certification for EDOs to be



<p>valid for a specified period of time. This will require EDOs to renew their certification regularly with the interval to be determined through consultation. In addition, all EDOs would be required to have with them their certification credentials when operating a radioactive device, and to present their certification upon request from a CNSC inspector.</p> <p>2.4.4 Benefits This proposal will have a positive impact on the health, safety and security of Canadians and the environment by ensuring that EDOs consistently have the up-to-date knowledge, skills and expertise required to operate exposure devices safely. Finally, EDOs will be required to provide proof of certification, and CNSC inspectors will be expressly authorized by law to request proof of certification from EDOs.</p>		
<p>2.3 Inclusion of periodic integrated safety reviews for nuclear power plants 2.3.1 Background The CNSC currently requires its licensees to perform integrated safety reviews (ISRs) to assess the safety of their operations, facilities and equipment, prior to either a plant refurbishment or the granting of a life extension to an existing plant. Combined with annual reporting on the safety and</p>	<p>We support the requirement of ISR every 10 years. We do not support 10 year licences that although not mentioned in this document, seem to be accompanying the ISRs. Public engagement is paramount to nuclear safety and 10 year licences will severely limit public participation.</p>	<p>Any inclusion of an IRS as a requirement for licencing, needs to have guidance on public disclosure items, such as:</p> <ol style="list-style-type: none"> 1. Timely release of the results of the ISR, before any commission proceedings 2. Release of Cost benefit information to the public. 3. List of major assumptions made in the ISR, including measures of uncertainty and results



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performance of NPPs, these ISRs aim to provide the necessary assurance of the continued safe operation of such facilities. Following the Fukushima events, the Integrated Regulatory Review Service (IRRS) mission of the IAEA recommended that the CNSC consider periodic application of ISRs in its regulatory framework for NPPs. In response, CNSC management committed to introducing periodic ISRs for all Class IA facilities.

2.3.2 Issue

The requirement for licensees to conduct ISRs is not currently included in any regulation. It is generally incorporated as a licence condition, and further defined in regulatory documents. This requirement is therefore somewhat inconsistent in its application across licensees; for instance, there is no common reference as to how often such a review should occur, or a timeframe for completion.

2.3.3 Proposal

The CSNC is proposing to include a requirement, in the Class I Nuclear Facilities Regulations, for all NPPs to carry out mandatory and comprehensive ISRs at least once every ten years. It is expected that licensees will provide a proposed implementation plan to address any safety modifications emanating from the ISR.

of sensitivity analysis.



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<p>2.3.4 Benefit</p> <p>The current proposal serves to formally entrench in regulation the requirement to conduct ISRs at least once every ten years, thereby ensuring consistency of approach across all Class IA NPP facilities. This would add predictability in the processes and reporting requirements for all NPP licensees in Canada. It also ensures that licensees are comparing their facilities against modern codes and standards, and perform upgrades as soon as practicable.</p>		
<p>2.2.2 Issue</p> <p>CNSC licensees currently have measures in place to address human performance and fitness for duty, but to varying degrees. Implementing requirements in regulation will assist in bringing uniformity to human performance and fitness for duty. It will also closely align Canada with international regulatory frameworks and standards.</p> <p>2.2.3 Proposal</p> <p>The CNSC is therefore proposing to include a requirement within the <i>General Nuclear Safety and Control Regulations</i> to ensure that licence applicants and licensees address human performance and fitness for duty in a safe and reliable manner, in order to prevent</p>		



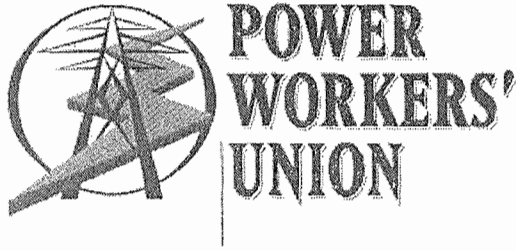
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unreasonable risk to the health and safety of persons and the environment.

All licensees would be expected to have measures in place to support the performance of workers in carrying on the licensed activities, and to ensure workers are physically, physiologically and psychologically fit to fulfill their duties at the required levels of safety.

2.2.4 Benefit

Having specific requirements about human performance and fitness for duty embedded in CNSC regulations will ensure a shared understanding, across all applicants and licensees, of the need to address factors that affect human performance. Embedding these requirements into regulations will improve their profile, broaden their application, provide strong rationale for further CNSC guidance in these areas, and provide alignment with international and domestic nuclear safety requirements.



**SUBMISSIONS OF THE
POWER WORKERS' UNION
TO THE CANADIAN NUCLEAR
SAFETY COMMISSION**

**ON DISCUSSION PAPER DIS-13-02: Proposed Amendments to Regulations Made
Under the Nuclear Safety and Control Act**

March 21, 2014

Chris Dassios
General Counsel
Power Workers' Union
244 Eglinton Ave. East
Toronto ON M4P 1K2
T: 416-322-2444
F: 416-322-2436
E: dassiosc@pwu.ca

Emily Lawrence
External Counsel
Paliare Roland Rosenberg Rothstein LLP
155 Wellington Street West, 35th fl.
Toronto, ON M5V 3H1
T: 416-646-7475
F: 416-646-4301
E: Emily.lawrence@paliareroland.com

SUBMISSIONS OF THE POWER WORKERS' UNION

ON DISCUSSION PAPER DIS-13-02: Proposed Amendments to Regulations Made Under the Nuclear Safety and Control Act

A. Overview

1. The Power Workers' Union ("PWU") has prepared these submissions in respect to the Discussion Paper, DIS-13-02: *Proposed Amendments to Regulations Made Under the Nuclear Safety and Control Act* (the "Discussion Paper"), developed by the Canadian Nuclear Safety Commission (the "Commission") regarding proposed amendments to several regulations.
2. The PWU's submission addresses the Commission's proposal to include a regulatory requirement that licensees address human performance and fitness for duty in a safe and reliable manner (Proposal 2.2). The PWU questions the need for such an amendment. The current detailed framework of legislative and regulatory requirements and licence conditions provides significant guidance to licensees and workers in the area of human performance management and fitness for duty.

B. The PWU

3. The PWU is a trade union which represents over 15,000 workers employed in Ontario's power sector, most of whom are employed in the nuclear power industry. Its members work throughout Ontario and make up a large majority of employees in the nuclear power industry, including certified staff and other employees at Ontario's nuclear power plants, Darlington Nuclear Generating Station, Pickering Nuclear Generating Stations A and B, and Bruce Power Generating Stations A and B. PWU members also form the majority of workers employed at Ontario's other electrical generating facilities, as well as transmission and local distribution companies.
4. PWU members include employees of licensees who work on safety-related systems or perform safety-related tasks with the potential for immediate and direct effect on safety. The PWU has and will continue to work with licensee employers to

develop and implement effective policies to ensure fitness for duty of its employees, including policies that deal with worker fatigue and hours of work. As an external stakeholder who represents employees in nuclear facilities, the PWU has an important role to play in ensuring that Ontario's nuclear facilities are safe and secure. The PWU has participated actively in the consultative process with the Commission on fitness for duty issues.

C. History of and Current Framework for Human Performance and Fitness for Duty Requirements

5. The Commission regulates use of nuclear energy and materials to protect health, safety, security and the environment, and to implement Canada's international commitments on the peaceful use of nuclear energy. It does so pursuant to the *Nuclear Control and Safety Act*¹ and the regulations thereto. The Commission fulfills its mandate, among other things, through the licensing and licensing renewal process of nuclear facilities and through the preparation of discussion papers and regulatory documents.

6. The Commission's proposal is to include a requirement within the *General Nuclear Safety and Control Regulations*² that licensees address human performance and fitness for duty in a safe and reliable manner. Licensees would be expected to have measures in place to support the performance of workers and to ensure that workers are physically, physiologically and psychologically fit to fulfill their duties (p. 6 of the Discussion Paper).

7. There is already a substantial legislative framework regarding the human performance and fitness for duty of workers:

- a. Section 12 of the *General Regulations* requires every licensee to ensure the presence of a sufficient number of qualified workers to carry on the licensed activity safely and in accordance with the Act, the regulations made under the Act and the licence" (s. 12(1)(a)) and "train the workers to

¹ S.C. 1997, c. 9 (the "Act").

² SOR/2000-202 (the "General Regulations").

carry on the licensed activity in accordance with the Act, the regulations made under the Act and the licence" (s. 12(1)(b));

- b. Section 38 of the *Nuclear Security Regulations*³ stipulate that "every licensee shall develop a supervisory awareness program and implement it on an ongoing basis to ensure that its supervisors are trained to recognize behavioural changes in all personnel, including contractors, that could pose a risk to security at a facility at which it carries on licensed activities";
- c. Section of the *General Regulation* places obligations on workers to:
 - i. "comply with the measures established by the licensee to protect the environment and the health and safety of persons, maintain security, control the levels and doses of radiation, and control releases of radioactive nuclear substances and hazardous substances into the environment" (s. 17(b));
 - ii. "promptly inform the licensee or the worker's supervisor of any situation in which the worker believes there may be a significant increase in the risk to the environment or the health and safety of persons" (s. 17(c)(i)); and
 - iii. take all reasonable precautions to ensure the worker's own safety, the safety of the other persons at the site of the licensed activity, the protection of the environment, the protection of the public and the maintenance of the security of nuclear facilities and of nuclear substances (S. 17(e)).

8. The Commission also provides significant regulatory guidance to licensees and workers regarding human performance and fitness for duty, which are incorporated into the licenses or Licence Conditions Handbook for each of Canada's nuclear power plants.

³ SOR/2000-209 ("*Nuclear Security Regulations*")

9. The Commission lists nine separate regulatory documents on human performance management on its website. Each details the Commission's expectations of licensees and workers.⁴ These regulatory documents include the certification of persons working at nuclear power plants (generally, and specifically for nuclear security officers, radiation safety officers, and exposure device operators), personnel training (in development), and ensuring minimum staff complement. Recently, the Commission published for consultation a regulatory document on hours of work and managing fatigue as a licensing condition.

10. In turn, licensees have adopted or revised management policies to ensure compliance with the legislative and regulatory framework. The PWU, as a representative of workers, has had an active role in the implementation and operation of these policies.

11. In the last two years, the Commission has also embarked on a consultative process regarding fitness for duty and the use of biochemical substance testing. The Commission received extensive feedback from licensee and worker stakeholders on its Discussion Paper DIS-12-03 *Fitness for Duty: Proposals for Strengthening Alcohol and Drug Policy, Programs and Testing* and the accompanying Information Paper, INFO - 0831.

12. The PWU provided extensive submissions in that consultative process. Along with employer licensees and other worker groups, the PWU submitted that a comprehensive bio-chemical testing regime was not necessary, and would be a significant intrusion into the privacy and dignity of workers which would not withstand constitutional scrutiny. The Commission has not yet released its regulatory document.

13. The Commission must comply with the *Charter of Rights and Freedoms* in the development of any bio-chemical testing regime, whether it is set out in a regulatory document or in a regulation.

⁴ See <https://www.cnsccsn.gc.ca/eng/acts-and-regulations/regulatory-documents/index.cfm#R10>

D. The PWU's Position on the Proposed Amendment

14. The Discussion Paper provides no explanation of the requirements it intends to embed in the regulations or the level of detail it anticipates the proposed amendments will include. The stated benefits of the proposed amendments is to ensure a shared understanding of the need to address factors that affect human performance, improve the profile of these requirements, broaden their application, provide strong rationale for further CNSC guidance in these areas, and provide alignment with international and domestic nuclear safety requirements (p. 6 of the Discussion Paper).

15. In our view, the inclusion of human performance and fitness for duty requirements in the regulations is unnecessary and reduces the ability for the Commission to respond to evolution in the area of human performance management and to the specific exigencies of the nuclear industry. The Commission has not provided any evidence of any need for a change to the current regime and, in the absence of that, it is the PWU's submission that no change is warranted.

16. There is no international requirement to embed human performance and fitness for duty requirements into regulation. Through its licensing process and in its regulatory documents, Canada already meets the IAEA's requirements to provide guidance to operators for fitness for duty in relation to hours of work, health and substance abuse. There is no need to "align" Canada to international standards in this manner.

17. All licensees are already required to meet the regulatory and legislative requirements for human performance and fitness for duty, and to comply with the guidelines set out in the regulatory documents. This framework sets expectations and creates minimum requirements. It is not inappropriate for licensees to tailor human performance and fitness for duty programs to meet the unique and distinctive aspects of their industry, location, purpose or worker demographic. To the extent that there is problematic inconsistency in human performance and fitness for duty programs, the Commission can remedy this by ensuring that its regulatory documents and licensing conditions provide clear minimum requirements, and that licensees comply with these licence conditions.

18. The current legislative, regulatory and license condition requirements ensure that licensee and workers have a common understanding and commitment to their obligations to protect public safety under the Act and the regulations thereto. The process of embedding human performance and fitness for duty requirements in the regulations does not “broaden their application” beyond licence applicants, licenses and workers unless the amendments themselves broaden the application of requirements.

19. Licensees refine their human performance management programs to maintain the best practices for the safest nuclear industry possible, in conjunction with workers stakeholders like the PWU and in consultation. Creating entrenched specific regulation of human performance and fitness for duty requirements will limit the ability of the Commission and its stakeholders to develop as the area of human performance management evolves.

20. The Discussion Paper notes that the Canadian Aviation Regulations contained detailed and specific requirements for flight crew members regarding fatigue and fitness for duty. As detailed above, the human performance and fitness for duty requirements for licensees are detailed, wide-ranging and nuanced. Including specific and technical requirements in the regulations would unduly complicate the General Regulation and will not promote a plain language understanding of human performance management and fitness for duty requirements.

21. In brief, the PWU respectfully queries the need to amend the *General Regulation* to add to a reference or to detail specific human performance management and fitness for duty requirements. The current legislative and regulatory framework, including the relevant regulatory documents, provides ample guidance to licensees and workers.

22. The PWU reserves the right to comment on any draft amendments prepared by the Commission on the issue of human performance management and fitness for duty requirements as well as the other proposed amendments set out in the Discussion Paper. Any regulatory amendments proposed, would, of course, have to respect the privacy rights of workers and their rights under the *Canadian Charter of Rights and Freedoms* and *The Canadian Human Rights Act*. The PWU relies on its submissions in

respect of Discussion Paper, DIS-12-03: Fitness for Duty: Proposals for Strengthening Alcohol and Drug Policy, Programs and Testing.

23. The PWU thanks the Commission for the opportunity to make submissions on this Discussion Paper.

Doc 1094367 v1

Ministry of
Community Safety and
Correctional Services

Office of the
Fire Marshal and
Emergency Management

Place Nouveau Building
7th Floor
5775 Yonge Street
Toronto ON M2M 4J1
Tel: 416-325-3100
Fax: 416-325-3119

Ministère de la
Sécurité communautaire et
des Services correctionnels

Bureau du commissaire des
incendies et de la gestion
des situations d'urgence

Édifice Place Nouveau
7^e étage
5775, rue Yonge
Toronto ON M2M 4J1
Tél. : 416 325-3100
Télééc. : 416 325-3119



March 17, 2014

Regulatory Policy Directorate
Canadian Nuclear Safety Commission
P. O. Box 1046, Station B
Ottawa, ON K1P 5S9

To Whom It May Concern:

RE: Discussion Paper DIS-13-02: Proposed Amendments to Regulations Made Under the Canadian Nuclear Safety and Control Act.

Thank you for the opportunity to provide comments on the above-noted discussion paper. We have reviewed the document and are providing comments for your consideration regarding proposed amendment 2.1, **Submission of provincial offsite emergency plans to the CNSC**. In this clause the CNSC is proposing to amend the Class I Nuclear Facilities Regulations to require that applicants/licensees submit the offsite emergency response plans of their provincial ministry or branch of government, and/or municipal government, to the CNSC.

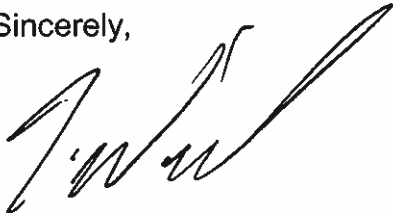
While we view the requirement for the licensee to provide evidence supporting *how* they meet the requirements of the offsite plans as a positive step, we question the need for licensees to submit those offsite plans as part of their licence application/licence renewal:

- The Province is the authority having jurisdiction for offsite plans. A requirement for the licensee to demonstrate how they meet the requirements established in the Provincial plan is positive. However, the Province does not support a requirement that the licensee submit plans over which they have no jurisdiction.
- Our Provincial Nuclear Emergency Response Plan is a public document, posted on our website and available on request
- The CNSC is an integral part of our ongoing PNERP consultation process and was, in fact, very involved in the development of the 2009 version which is currently in effect
- Our close working relationship with CNSC staff is further strengthened by a Memorandum of Understanding (MOU), most recently renewed in 2009 and reviewed in 2013. The MOU specifically details cooperation and consultation

concerning the evolution and implementation of the PNERP and the CNSC
Emergency Response Plan

Thank you once again for the opportunity to comment.

Sincerely,

A handwritten signature in black ink, appearing to read 'T. Wieclawek', with a large, sweeping flourish extending to the right.

Tadeusz (Ted) Wieclawek
Fire Marshal of Ontario, and
Chief of Emergency Management

From: [David Veronesi](#)
To: [Consultation](#)
Subject: DIS-13-02
Date: Thursday, December 05, 2013 3:16:08 PM
Attachments: [ATT00001.txt](#)
[ATT00002.htm](#)

I am writing in regards to discussion paper DIS-13-02. One item that is I am wondering about is section 2.2. I would need further clarification on the intended measures suggested to adequately comment but I worry about what the intended specific requirements referred to in the document. I am the manager of a Diagnostic Imaging department and employ staff who would potentially be affected by this change. Public healthcare institutions in Canada are heavily regulated in regards to the fitness and wellbeing of our employees and my concern is that these requirement will conflict or be redundant with the endless requirements we are already under due to provincial and federal legislation. I struggle to identify why there would be different requirements for the human performance and fitness for duty regarding physical, physiological and psychological fitness of an employee at our facility simply due to the fact that they work with radioactive material. Is this wellbeing any different than what would be required for their other duties such as medication administration, personal health information confidentiality, patient care etc. I believe that publically funded healthcare institutions already have rigorous processes to accomplish the intention of this change and would worry that the specific requirements developed by the CNSC would be another layer of regulation that may inhibit hiring practices and in the end affect patient care if this were to be the case.

Thanks

David Veronesi
Manager of Diagnostic Imaging
Grace Hospital
204-837-0172
Dveronesi@ggh.mb.ca

Commentaires sur le point 2.10 du DIS-13-02

La CCSN suggère de passer « d'intérêt dans la question en cause » à un « intérêt direct » dans la question en cause ou que le projet proposé risque d'avoir un « effet direct » ou une « incidence directe » sur les intérêts d'une personne.

Le rationnel de la modification semble être : « Récemment, l'Office national de l'énergie ainsi que la Loi canadienne sur l'évaluation environnementale (2012) ont apporté plus de clarté sur le concept d'« intérêt dans la question en cause » en définissant une partie intéressée comme une personne directement touchée par la réalisation du projet désigné. »

Je m'oppose à restreindre l'accès aux interventions, car les intérêts directs d'un phénomène nucléaire sont souvent pécuniaires et certains même pas canadien, alors que les dommages et la peur induits par la radiation, eux, sont indirectes sur le peuple et l'environnement canadien. Aussi, la CCSN répond au principe ALARA, ce que ne font pas l'Office national de l'énergie ou la Loi canadienne sur l'évaluation environnementale (2012). Il me semble raisonnable d'écouter tout les intéressés car on ne parle nullement de lourdeur administrative (facteur économique et social) dans le document de travail.

Également, je ne crois pas que suivre le conglomérat de l'énergie, dont l'objectif premier est le profit, ou une Loi environnementale présenté par un Gouvernement qui a refusé de signer l'accord de Kyoto alors que ses propres terres fondent dû au réchauffement planétaire, soit une ligne à suivre pour la Commission qui a pour objectif premier la protection des personnes et de l'environnement. Pourquoi ne parle t'on pas des recommandations de l'Agence internationale de l'énergie atomique (AIEA) sur ce point ?

De plus, cette restriction ferme la porte aux groupes (environnementaux, alimentaire, médicaux...) et aux Canadiens qui s'intéressent à l'utilisation du nucléaire au Canada sans que les projets ne soient « directement » dans leur cours. Je trouve important d'entendre et de comprendre les opposants mais surtout le peuple, qui apportent une autre perspective à la question en cause et qui sont, après tout, ceux que la Commission a juré de protéger.

Tout ce qui peut blesser devrait être discuté avec la plus grande transparence. Plus particulièrement le nucléaire, incompris de la majorité et qui effraie par son action potentiellement néfaste et sournoise. Restreindre l'intervention ne fera qu'augmenter le doute et les suspicions des Canadiens, qui à son tour diminuera leur confiance envers la Commission et ainsi en son pouvoir à protéger le peuple.

Il est de mon avis que dans un pays démocratique, tout individu devrait avoir le droit d'intervention sur une question s'il est intéressé, comme tout citoyen peut voter si ça l'intéresse. Après tout, le Canada, c'est nous.

Si, dans un avenir quelconque, l'écoute de toutes les parties intéressées devient trop lourde, on pourrait restreindre par l'entremise de représentants supportés par pétition plutôt que par un intérêt direct.

Patrice Jones, M.Sc.

Physicien responsable de la radioprotection en radio-oncologie au CSSS de Chicoutimi



**Canadian Blood Services
Société canadienne du sang**

Head Office / Siège social
1800 Alta Vista
Ottawa, ON K1G 4J5
T 613.739.2300 F 613.739-2405
www.blood.ca www.sang.ca

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CONFIDENTIAL PRESCRIBED INFORMATION

TO: Canadian Nuclear Safety Commission

FAX #: 613-995-5086

FROM: Jennifer Biemans, Director, Regulatory Affairs, Canadian Blood Services

TELEPHONE #: 613-739-2086

DATE: 2014-01-09

NUMBER OF PAGES INCLUDING COVER SHEET: 3

COMMENTS: Attached please find Canadian Blood Services' comments on the Proposed Amendments to Regulations Made Under the Nuclear Safety and Control Act, Discussion Paper DIS-13-02

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1800 Alta Vista
Ottawa, ON K1G 4J5
T 613.739.2300 F 613.731.1411
www.blood.ca www.sang.ca

CONFIDENTIAL PRESCRIBED INFORMATION

Canadian Nuclear Safety Commission
P.O. Box 1046, Station B
280 Slater Street
Ottawa, Ontario
K1P 5S9

January 7, 2014

To Whom It May Concern:

Re: Proposed Amendments to Regulations Made Under the *Nuclear Safety and Control Act*

Canadian Blood Services is pleased to provide these comments on the Proposed Amendments to Regulations Made Under the *Nuclear Safety and Control Act* Discussion Paper DIS-13-02 ("Proposed Amendments") recently issued by the Canadian Nuclear Safety Commission ("CNSC").

I OVERVIEW

The Proposed Amendments set out a number of proposed changes to multiple regulations promulgated under the *Nuclear Safety and Control Act*, including the *General Nuclear Safety and Control Regulations* and the *Nuclear Substances and Radiation Devices Regulations*. The Proposed Amendments were developed in response to the catastrophic failure of the Japanese Fukushima Daiichi nuclear power station following the tsunami in 2011, causing the release of substantial amounts of radioactive material into the atmosphere. The intent of the Proposed Amendments is to further clarify regulatory requirements and enhance nuclear safety in Canada.

While most aspects of the Proposed Amendments may be a reasonable response to enhance nuclear safety in Canada, the provisions relating to the requirement for all licensees to assess employee performance and fitness for duty in daily operations (section 2.2 of the Proposed Amendments) are problematic in that they are not proportionate to any potential national safety risk for licensees such as Canadian Blood Services.

II ASSESSMENT OF EMPLOYEE PERFORMANCE AND FITNESS FOR DUTY

If enacted, the Proposed Amendments will require licensees, such as Canadian Blood Services, to ensure that all employees are physically, physiologically and psychologically fit to carry out their duties at the required levels of safety. Currently, all nuclear power plants in Canada have measures in place to address employee performance and fitness for duty. This may be an appropriate safety measure given that employees of nuclear power plants carry out complex licensed activities as their main job responsibility and if a catastrophic failure was to occur at a nuclear power plant, the risk to life and the environment is sufficient to impose this additional burden on those licensees. However, extending this requirement to all licensees, including licensees who only use nuclear substances and radiation devices such as blood irradiators, is not, in Canadian Blood Services' opinion, commensurate with the risk. Canadian Blood Services bases this opinion on a number of reasons discussed below.

While employees of Canadian Blood Services do carry out activities involving nuclear substances on a daily basis as part of their routine responsibilities, this task is not being performed constantly by any employee during a particular shift. Out of all the blood components manufactured by Canadian Blood Services, only 6% require irradiation for a small number of patients with compromised immune systems.

The procedures for irradiating blood components are uncomplicated and do not require any specific skill or education to carry out that would justify an assessment of the individual's physical, physiological or psychological fitness to perform such tasks.

To require a licensee to implement a program to assess an employee's physical, physiological and psychological fitness to perform an uncomplicated task that is only performed intermittently will be overly burdensome on the licensee, has potential impacts on an employee's right to privacy and may not be defensible from a human rights perspective. Implementing a program will be overly burdensome on licensees such as Canadian Blood Services (a not-for-profit organization) for a number of reasons, including (1) the cost associated with developing and managing the program, (2) making employment decisions based on individual assessment outcomes that are inherent with potential bias of the assessor, and (3) the potential negative impact the program could have on the employer/employee relationship, all without realizing any real benefit to nuclear safety. From a privacy perspective, asking an employee to undergo an assessment that requires the disclosure of sensitive personal health information to his/her employer for the sole purpose of irradiating blood components for transfusion seems an unreasonable invasion of privacy. Privacy rights should only be overridden for a reasonable purpose, and in this circumstance, Canadian Blood Services does not believe that the minimal risk to nuclear safety posed by staff performing an uncomplicated task such as irradiating blood products is sufficient to meet this "reasonable purpose" test. Finally, making employment decisions that negatively impact an individual employee based on his/her assessment outcome as a prerequisite for performing an uncomplicated and infrequent task could be seen as discriminatory and may not be defensible from a human rights perspective.

III RECOMMENDATION

While Canadian Blood Services recognizes the importance of nuclear safety, it is believed that any additional regulatory burden on licensees must be commensurate with the risk. In this instance, Canadian Blood Services does not believe the risk posed by staff irradiating blood components for transfusion is of such magnitude that would justify imposing a regulatory requirement to implement a program to assess employee performance and fitness for duty. Therefore, Canadian Blood Services respectfully submits that the CNSC take a risk-based approach when implementing such requirement, and consider exempting certain licensees, such as Canadian Blood Services, from this obligation. This exemption to the requirements should be given to licensees whose employees carry out uncomplicated licensed activities intermittently.

I trust the above is satisfactory.

Yours truly,



Dr. Dana Devine, Radiation Safety Officer,
Chief Medical & Scientific Officer



RADIATION SAFETY OFFICE

Health Sciences Centre

GC214 - 820 Sherbrook St., Winnipeg, Manitoba, Canada R3A 1R9

phone: (204) 787-2903 fax: (204) 787-1313 pager: (204) 931-5653
e-mail: jdovyak@hsc.mb.ca

Consultations
Canadian Nuclear Safety Commission

Via E-mail

17 DEC 2013

Dear Sir/Madam:

RE: Discussion Paper DIS-13-02, Proposed Amendments to Regulations Made Under the Nuclear Safety and Control Act

My comments are limited to Section 2.2 of the Discussion Paper, Inclusion of human performance and fitness for duty requirements in regulations.

I have been involved with Radiation Safety for over ten years and before that worked as a Nuclear Medicine Technologist. I am not aware of any incidents occurring in my organization in the past twenty-five years across 815, 847, 862, 872 and 875 Use Types whose occurrence or severity could be attributed to the absence of regulated Human Performance & Fitness for Duty Programs including physical, physiologic and psychological screening.

Health-care staff in my organization are subject to pre-employment criminal records checks and possibly vulnerable persons abuse registry checks (depending on exact work location/population served) along with verification of education and reference checks. We have a regional Substance Abuse Policy and all workers are able to access a third-party Employee Assistance Program. While unionized workers duty hours are subject to collective agreements the regional Employee Handbook sets out hours of work and rest breaks for non-union staff. Income Protection credits (paid sick time) is a benefit for all workers.

I am not sure what the benefit would be if workers in the medical sector (particularly hospitals and cancer centres) are subject to regulated Human Performance & Fitness for Duty Programs but it would seem that the cost of health-care would likely skyrocket, never mind the administrative burden to keep track of the programs.

Thank You for the opportunity to comment on DIS-13-02.

Sincerely,

J. Dovyak

Jeff Dovyak RTNM, CRPA (R)
Radiation Safety Coordinator



Radionuclide Safety Committee

GC214 - 820 Sherbrook St., Winnipeg, Manitoba, Canada R3A 1R9

To: Consultations
 Canadian Nuclear Safety Commission

February 5, 2014

I am responding to the CNSC Discussion Paper DIS-13-02 published for general comments.

With respect to section 2.2 (Inclusion of human performance and fitness for duty requirements in regulations), the intent of this needs to be clarified with respect to radiation safety. Is the intent to prevent theft of radioactive materials which could potentially be used to harm the public? Until this is clarified by CNSC, the degree to which human performance is monitored becomes moot. Risk of harm is negligible when the “work” performed in a low level laboratory uses kBq quantities of an isotope such as tritium, compared to handling fuel rods in a nuclear reactor. Encompassing all situations in one sweeping statement is not justifiable.

A “worker” also needs to be defined. Is this meant to be restricted to someone who has control over, or handles, radioactive materials? Does it include management, ancillary staff such as housekeeping, security, maintenance, and shipping/receiving?

In preliminary investigations, a psychological assessment performed by a psychologist costs about \$250 per individual per instance. If this is to be implemented, the cost would be enormous if one had to perform a psychological assessment on every radioactive and ancillary worker every year. Cost of a medical physical examination, with hematological and biochemical testing (“physiological monitoring”) is not covered by government health insurance when done for employment purposes, therefore this is an additional cost (per person per year).

Currently within WRHA, there is a substance abuse policy, and there is a performance management policy. Every department is required to conduct routine performance evaluations every two years on all workers. A manager or supervisor should be able to identify a situation which would prevent a “worker” from safely performing her/his job. I would be surprised if large institutions which require CNSC licences would not have similar policies in place.

If section 2.2 would be restricted to workers who directly control or handle radioactive

materials, and if the radioactive materials in question are long-lived with physical characteristics enabling potential abuse and harm to the public, I would support this position.

If section 2.2 would be restricted to workers who directly control or handle radioactive materials, and if the radioactive materials in question have low potential for abuse or harm, and if CNSC would accept a biennial job performance evaluation as equivalent of “measures in place to support the performance of workers in carrying on the licensed activities, and to ensure works are physically, physiologically and psychologically fit”, then I would support CNSC’s position as it applies to this low-risk activity.

If section 2.2 applied to all workers (directly handling or controlling radioactive substances, ancillary and support staff, and management who are by definition in an organizational chart responsible for this activity), and to all types and quantities of radioactive materials, and CNSC would require a complete physical/physiological/psychological assessment by a trained professional, I cannot support this proposal. The complexity and time involved does not justify any benefit. The cost would be prohibitive.

Yours truly,

Anne Peterdy

Dr. Anne Peterdy FRCPC(NM), FRCPC(Diag Radiol)
Chair, Radionuclide Safety Committee, Winnipeg Regional Health Authority

1781 Medallion Court
Mississauga, Ontario, L5J 2L6

December 20, 2013

Canadian Nuclear Safety Commission
P.O. Box 1046, Station B
280 Slater Street
Ottawa, Ontario, Canada K1P 5S9

Attention: Aurèle Gervais, Media and Community Relations

CNSC Document, Proposals to Amend the Radiation Protection Regulations, Discussion Paper DIS-13-01, August 2013

Government of Canada, Radiation Protection Regulations, SOR/2000-203, Current to September 16, 2013

CNSC Document, Proposed Amendments to Regulations Made Under the Nuclear Safety and Control Act, Discussion Paper DIS-13-02, November 2013

Government of Canada, Nuclear Safety and Control Act, S.C. 1997, c. 9, Current to November 13, 2013

The CNSC requests for comments on Discussion Papers DIS-13-01 (August 9, 2013)¹ and DIS-13-02 (November 21, 2013)² provide an opportunity to challenge the basis for our current radiation protection regulations in light of new revelations: the recent publication in the Archive of Toxicology of an article and two letters.

The article by renowned toxicologist Edward Calabrese (2013a) provides much evidence that, in 1956, the US National Academy of Sciences (NAS) changed the basis for radiation protection from a “tolerance dose” concept employed in the 1934 ICRP standard for radiation protection of radiologists (ICRP 1934) to the linear dose response model for cancer risk assessment without scientific justification. The NAS letter to the editor (Ciceroni and Crowley 2013) states that the Calabrese article is improper and not substantiated. The response by the author (Calabrese 2013b) criticizes the NAS letter and points out its failure to address the extensive evidence that appears in the article.

The linking of low radiation to a risk of cancer in the 1950s was based on the idea that radiation produces genetic damage and that some of these mutated cells *progress* into cancer cells. For more than fifty years, this concept has created enormous fear, uncertainty and doubt about the safety of exposures to small doses of radiation and chemicals, even though positive health effects

¹ <http://www.nuclearsafety.gc.ca/eng/acts-and-regulations/consultation/history/dis-13-02.cfm>

² <http://www.nuclearsafety.gc.ca/eng/acts-and-regulations/consultation/history/dis-13-01.cfm>

had been identified by medical scientists and practitioners soon after x-rays and radioactivity were discovered.

For more than twenty years, scientists have known that the spontaneous rate of DNA damage far exceeds the DNA damage rate induced by background ionizing radiation (Billen 1990). Recent evidence indicates that the endogenous rate of single-strand breaks (SSBs) is more than a million times the rate induced by average background radiation. The natural rate of double-strand breaks (DSBs), which is the concern regarding cancer risk, is a thousand times greater than the rate of DSBs by background radiation (Feinendegen et al. 2013). Therefore, low radiation levels are not a significant cause of DNA damage and cancer.

How then does ionizing radiation produce health effects? Feinendegen et al. (2013) point out that all living organisms possess very powerful adaptive protection systems that repair or remove cell, tissue and organ damage, and restore organism health. Radiation is one of the stressors that modulate the protection systems; high radiation impairs protection, while low radiation up-regulates many protection systems (> 200 genes) that act to produce very important positive health effects, including a *lower* incidence of cancer. This is the mechanism for the significant net beneficial effects of low doses even below ~ 200 mSv or 20 rem. At higher doses, additional protective mechanisms against cancer development operate.

The continued application of the invalid linear dose response model for cancer risk assessment raises fears about the safety of exposures to small doses of radiation (and chemicals). Linking low radiation to a “risk of health effects” and the emergency measures to mitigate exposure to low radiation levels has caused and continues to cause many premature deaths and enormous psychological suffering of large populations who received small radiation exposures from nearby damaged nuclear reactors. On-going use of this incorrect and unscientific methodology blocks nuclear energy projects and severely constrains vital applications of x-rays and radioisotopes in medicine.

I urge the CNSC to discard this politicized science, examine the scientific evidence and implement the recommendations in the new article by Cuttler (2013b) in the Canadian Nuclear Society Bulletin. These include changes to the Canadian documents that define the requirements for radiation protection and nuclear safety.

Sincerely



Jerry M. Cuttler, DSc, PEng

Attachment: Comments on DIS-13-01, DIS-13-02 and the Radiation Protection Regulations

Enclosures: Cuttler JM. Remedy for Radiation Fear—Discard the Politicized Science. Canadian Nuclear Society Bulletin 34(4): 23-28 (December 2013)

Archive of Toxicology article, NAS Letter to Editor and Calabrese Response

References:

Billen D. 1990. Commentary: Spontaneous DNA Damage and Its Significance for the “Negligible Dose” Controversy in Radiation Protection. *Radiation Research* 124: 242-245

Calabrese EJ. 2013a. How the US National Academy of Sciences misled the world community on cancer risk assessment: new findings challenge historical foundations of the linear dose response. *Arch Toxicol* DOI 10.1007/s00204-013-1105-6. Available at: <http://link.springer.com/article/10.1007/s00204-013-1105-6>

Calabrese EJ. 2013b. Response to Letter of Ralph J Cicerone and Kevin Crowley regarding “How the US National Academy of Sciences misled the world community on cancer risk assessment: new findings challenge historical foundations of the linear dose response.” [DOI 10.1007/s00204-013-1105-6, Review Article]. *Arch Toxicol. Reply*. DOI 10.1007/s00204-013-1177-3. Available at: <http://link.springer.com/article/10.1007/s00204-013-1177-3>

Cicerone RJ and Crowley KD. 2013. Letter from Ralph J Cicerone regarding Edward Calabrese’s paper published online first on August 4th: “how the US national academy of sciences misled the world community on cancer risk assessment: new findings challenge historical foundations of the linear dose response.” [DOI 10.1007/s00204-013-1105-6, Review Article]. *Arch Toxicol. Letter to the Editor*. DOI 10.1007/s00204-013-1176-4. Available at: <http://link.springer.com/article/10.1007/s00204-013-1105-4>

Cuttler JM. 2013a. Commentary on Fukushima and Beneficial Effects of Low Radiation. *Dose-Response* 11: 432-443. Available at: <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3834738/>

Cuttler JM. 2013b. Remedy for Radiation Fear—Discard the Politicized Science. *Canadian Nuclear Society Bulletin* 34(4): 23-28. Available at: <https://db.tt/pkbX6VSG>

Feinendegen LE, Pollycove M and Neumann RD. 2013. *Hormesis by low dose radiation effects: low-dose cancer risk modeling must recognize up-regulation of protection*. In Baum RP (ed.). *Therapeutic Nuclear Medicine*. Springer. ISBN 973-3-540-36718-5. Available at: <http://db.tt/UyrhlBpW>

International Commission on Radiological Protection (ICRP). 1934. International Recommendations for X-ray and Radium Protection: Revised by the International X-Ray and Radium Protection Commission at the Fourth International Congress of Radiology. Zurich. July 1934. Available at: <http://www.icrp.org/publication.asp?id=1934%20Recommendations>

Attachment: Comments on DIS-13-01, DIS-13-02 and the Radiation Protection Regulations

Comments on the Radiation Protection Regulations, SOR/2000-203—September 16, 2013

General Comment

The current regulations are based on politicized science. They should be revised to be compatible with radiobiological evidence. The following information is very important and should be highlighted.

1. Spontaneous DNA damage, mainly from reactive oxygen species, occurs at very high rate; the rate of these endogenous double-strand breaks (DSBs) is more than 1000 times the rate of DSBs induced by a background radiation level of 1 mGy per year. Low radiation is an insignificant cause of DSBs.
2. Biological organisms have very powerful adaptive protection systems against damage to their cells, tissues and the entire organism, regardless of whether the harm is caused by natural (endogenous) processes or by external agents, including ionizing radiation.
3. Low radiation up-regulates adaptive protection systems resulting in a net health benefit: repair and removal of damage and promotion of healing. High radiation impairs protection systems.

The effect of radiation on an organism's protective systems is what determines whether a health benefit or risk occurs. The dose or dose-rate at which benefit transitions to harm is the threshold. Radiation protection regulations should permit exposures below the threshold for harm and restrict exposures in the harmful range, above the threshold.

Specific Comments:

1. Radiation Protection Program: In light of the evidence that low radiation up-regulates adaptive protection systems, which result in net health benefits, the concept and requirement of “as low as reasonably achievable” (ALARA) is not appropriate for protection of health and the environment. Implementation of ALARA could result in precautionary actions that cause more harm to health and the environment than the assumed benefit of avoiding hypothetical risks. Instead, the requirement should be “as high as reasonably safe” (AHARS), which would include an adequate margin of safety between a maximum permissible level and the known threshold for harmful biological effects.
2. While control of high radon concentration is appropriate in mining activities, radon levels in homes are generally far below the threshold for net harm and should not be regulated. The radon scare creates unwarranted fears, unnecessary precautionary measures and depressed home prices.
3. The scientific evidence on the effect of radiation on the fetus should be considered when setting the permissible radiation level for pregnant workers. Politicized science should be discarded.
4. The dose limits should be revised. They should be based on the known dose threshold for harm from acute radiation exposure and the known dose-rate threshold for chronic radiation exposure.

5. Use of the invalid linear no threshold (LNT) concept for cancer risk assessment, which is politicized science, should be discontinued. Stop linking ionizing radiation to a risk of cancer.
6. Based on biological evidence, the threshold for evacuations from low dose rate radiation could be raised to about 700 mGy (70 rad) per year, which is the threshold for harmful health effects.

Comments on the Proposals to Amend the Radiation Protection Regulations, DIS-13-01

General Comment

The general and specific comments on SOR/2000-203, provided above, are applicable to DIS-13-01. The current radiation protection regulations should be amended to simplify the requirements, in view of the evidence that low radiation up-regulates adaptive protection systems resulting in net health benefits. No regulations should be issued to protect organisms or the environment against (human-caused) ionizing radiation exposures that induce net beneficial health effects. Most worker exposures are well below the radiation dose or level at which net harmful effects occur; however, the current regulations are based on a desire to protect against hypothetical cancer risks that were calculated using the invalid LNT methodology and the principle of ALARA. Complying with overstringent regulations could create non-radiation safety hazards and unnecessarily high maintenance costs.

Comments on Proposed Amendments to Regulations Made Under the Nuclear Safety and Control Act, DIS-13-02

General Comment

The requirements for nuclear energy facilities should not be more stringent than the requirements for the conventional energy facilities that burn hydrocarbon fuels (such as methane and gasoline) or use hydraulic (hydroelectric dams), wind or solar energy. The number of accidents in the facilities related to the use hydrocarbon fuels and the corresponding number of casualties far exceed the number of accidents and casualties of nuclear facilities. Before amending the already overly restrictive regulations for nuclear facilities, actions should be taken to issue and/or amend the regulations for hydrocarbon energy facilities to achieve a comparable level of safety.

To address the lessons from the Fukushima experience, a very important requirement is the communication of accurate information to everyone, as soon as possible, about the extremely low or non-existent "risk of health effects" to the surrounding population of a hypothetical release of radioactive material from a damaged nuclear plant.

Other recommendations:

- Organize scientific and public meetings to discuss the health benefits and risks of radiation.
- Regulatory bodies and health organizations should examine the scientific evidence.

- Radiation protection regulations should be changed. They should be based on science instead of politicized science. Stop linking ionizing radiation to a risk of cancer.
- The basis for radiation protection should be restored to the *tolerance dose* (threshold) concept, in light of more than a century of medical evidence.
- Calculation of cancer risk using unscientific concepts, such as the LNT model, should be stopped.
- Regulation of harmless radiation sources, such as radon in homes, should be stopped.

From: [Robert Waltz](#)
To: [Consultation](#)
Cc: [Gilles Michaud](#)
Subject: Document de travail DIS-13-02
Date: Friday, November 22, 2013 1:45:35 PM

Bonjour,

C'est la première fois que je commente un article (soyez indulgents). Je trouve qu'en général le tout semble ok pour moi. Sauf que c'est dur d'étudier le document qui touche en même temps ;les centrales nucléaire , les OAE et les titulaires de permis qui ont un appareil radioactif (milieu industriel). Je ne sais pas si ce serait possible que ce qui aurais un impact dans notre domaine soit mis dans des documents distincts.

Merci

Robert,

Robert Waltz

Coordonnateur Qualité

waltz-r@ezeflow.com

Tél. : (450) 375-3575 ext. 2141

Fax : (450) 375-3772



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413 March Road
Ottawa, Ontario
Canada K2K 0E4
TEL: 613 501 3100

March 18, 2014

Canadian Nuclear Safety Commission
P.O. Box 1046, Station B
280 Slater Street
Ottawa, ON, K1P 5S9

Subject: Best Theratronics comments on DIS-13-02

Best Theratronics has had an opportunity to review discussion paper DIS-13-02 regarding the proposed amendments to the regulations made under the Nuclear Safety and Control Act.

Best Theratronics has several comments to help further clarify and strengthen the regulations:

1. Submission of provincial offsite emergency plants to the CNSC

It is not clear from the discussion paper whether the intent is to require submission of provincial or municipal offsite emergency plans only for Nuclear Power Plants or for Class 1B facilities as well. Section 2.1.2 of DIS-13-02 indicates the recommendation is for power plants. However, section 2.1.3 indicates it is for Class 1A and 1B facilities.

Although this may make sense for power plants, we don't believe that this proposed amendment should be required for all Class 1B Nuclear Facilities. Submission of a provincial and/or municipal emergency plan is out of the control of the licensee. Particularly in cases where the licensee poses a low risk, the provincial and/or municipal levels of government may not make submission of such emergency plans a priority.

Rather, licensees should work with local emergency personnel in preparing the licensee's emergency plans. In addition, the licensee should be in regular dialogue with all levels of governmental emergency organizations. The level of this engagement should be in relation to the potential risk in the event of an emergency.

Inclusion of such a recommendation would potentially have a very significant financial burden and be difficult to implement, for very little improvement to the safety and security of the environment and the public.

2. Inclusion of human performance and fitness for duty requirements in regulations

Best Theratronics does not see a significant impact in this proposed amendment to our operations. Best Theratronics already has implemented measures to address human performance and fitness for duty requirements.

However, it would be beneficial for the CNSC to also provide guidance to licensees on how licensees would be able to meet the proposed requirements. Currently, most of the guidance seems to be directed towards Class 1 Nuclear Facilities.

3. Inclusion of periodic integrated safety reviews for nuclear power plants

No comment

4. Certification of exposure device operators for a period defined by the Commission or designated officer.

No comment

5. Licensees to inform first responders of the presence and location of radioactive nuclear substances or prescribed equipment.

This would be useful information to provide first-responders. However, the implementation may be complicated. Is the intent for licensees to provide quantity and location, or just the presence of materials (i.e. type, form, hazards)?

Best Theratronics is a manufacturer of radiation devices and Class II prescribed equipment using Category I sources. The quantities and storage locations for the Category I and II sources within our facility changes on a weekly basis. It would not be feasible to be providing such detailed information to first responders.

Best Theratronics, through its emergency procedures that are shared with various first-responders, does provide a high-level overview of the potential storage locations and the type of material being stored. However, we cannot provide the quantities.

What we can provide is, in the event of an emergency, a list of on-site material and locations at that point in time.

Clarification should be made as to the information expected to be shared and how often such information shall be updated.

6. Replace requirement for a “quality assurance program” for a requirement for a “management system”

The amendment is not expected to result in any impact, assuming that the intent is only that of a naming convention.

If the amendment to change the wording to “management system” also brings additional requirements and expectations with it, it will be important for the CNSC to clarify any additional requirements or expectations before further comment can be made.

7. Exemption from Class II radiation safety officer certification requirements for Class I certified personnel.

No comment.

8. Repeal of obsolete clause regarding radiation safety officer certification

Best Theratronics has no concerns with this proposed amendment.

9. Clarification of nature and scope of “requests for rulings”

Best Theratronics believes this proposed amendment is useful and will help to improve the Commission proceedings.

10. Clarification of the concept of “interest in a matter”

Best Theratronics supports this amendment.

Sincerely,



Richard Wassenaar, PhD, MCCPM
Director of Compliance, RSO

From: Epp, Michael [<mailto:Michael.Epp@nordion.com>]

Sent: Friday, January 17, 2014 3:54 PM

To: Consultation

Cc: PIERCE, Yvonne; BEEKMANS, Rick; SCANTLEBURY, Tammy

Subject: Invitation to comment on discussion paper DIS-13-02, Proposed Amendments to Regulations Made Under the Canadian Nuclear Safety and Control Act

Good afternoon,

Please see the comments below from Nordion on two sections of the discussion paper:

2.1 Submission of provincial offsite emergency response plans to the CNSC

Nordion has consulted with the Emergency Management Ontario and the City of Ottawa Emergency Management Unit. Nordion does not have the authority to obtain their emergency response plans for submission to the CNSC. However, Nordion works closely with Ottawa first responders for awareness orientation, site tours and exercises that allows Police, Fire and Paramedics to identify their requirements and/or areas for improvement for the effective, integrated response to emergencies at the facility according to their plans. Since Nordion is not a reactor site, the risks and accident impact to the surrounding community are much lower. Nordion believes that its ongoing dialogue with city first responders is effective preparation and is commensurate with these risks.

2.2 Inclusion of human performance and fitness for duty requirements in regulations

Nordion recognizes that an employee's fitness for duty can have a direct impact on well-being, safety and productivity. We are in agreement with the CNSC that employers should have a process in place for managing instances where an employee's fitness for duty is in question.

If the CNSC follows through with this proposal it is imperative that proper guidelines are put in place that are clear and that there is a distinguished difference between facility classes based on severity of perceived risk (ie there would be greater risk with a power reactor company than a facility in a different class). We also ask that there be clear guidelines set out as to what ensuring fitness for duty entails. (does this require pre-placement medical screening? Annual medical screening? Daily sign in by employees declaring their fitness for duty? Observations of behaviours that might indicate an issue with fitness for duty and a plan on how to address this?) Companies will need to know what is required to ensure the regulations are followed applicably for their class of facility and there is clarity as to how the CNSC will assess compliance with the new regulation.

Best regards,

Michael Epp, CPP, CISSP

Manager, Corporate Security

Nordion

T. +1 613-592-3400 ext.2394

E. michael.epp@nordion.com

www.nordion.com



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UNRESTRICTED

2013 December 04

M. Dallaire, Director General
Regulatory Policy Directorate
Canadian Nuclear Safety Commission
280 Slater Street
P.O. Box 1046, Station B
OTTAWA, Ontario K1P 5S9

Dear Mr. Dallaire,

AECL'S Request for Extension of the Review Period for Discussion Paper DIS-13-02: Proposed Amendments to Regulations Made under the Canadian Nuclear Safety and Control Act

The purpose of this letter is to request a 60-day extension to the review period for Discussion Paper DIS-13-02, *Proposed Amendments to Regulations Made under the Canadian Nuclear Safety and Control Act*, from 2014 January 20 to March 21.

The current closing date for submitting comments comes shortly after the holiday period and AECL has significant concern that this does not provide sufficient amount of time to provide you with constructive feedback to the proposed amendments.

Thank you for considering our request.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'T. Arthur', with a long horizontal stroke extending to the right.

T. Arthur, Manager
Regulatory Affairs
Phone: 613-584-8021
Fax: 613-584-8031
Email: arthurt@aecl.ca

TA/mj

c	C. Carrier (CNSC)	Consultations (CNSC)		
	A. Bugg	S. Cotnam	C. de Vries	J.D. Garrick
	R.M. Lesco	S. Mistry	S. Needham	U. Senaratne
	K.L. Smith	C.E. Taylor	R. Walker	
	>CR Licensing	>SRC	>CR CNSC Site Office	

2014 March 21

Mr. Brian Torrie
Director General
Regulatory Policy Directorate
Canadian Nuclear Safety Commission
280 Slater Street
P.O. Box 1046, Station B
OTTAWA, Ontario K1P 5S9

Dear Mr. Torrie:

Comments on Discussion Paper DIS-13-02, Proposed Amendments to Regulations Made under the Nuclear Safety and Control Act

The purpose of this letter is to provide AECL's comments, as part of the public consultation, on Discussion Paper DIS-13-02, Proposed Amendments to Regulations Made under the Nuclear Safety and Control Act.

AECL's detailed comments are included in Attachment A. This review was conducted in conjunction with industry partners.

AECL appreciates the opportunity to provide comments at this early stage as the CNSC determines the regulatory approach. AECL is generally supportive of the proposed changes, however there are some proposals which we feel are overly prescriptive and believe that it would be more appropriate to include these details in REGDOCs.

AECL recommends that during the planned revisions of the regulations there is clear demarcation of the class of licensee that the regulations would apply to, and that the requirements are commensurate with the level of risk associated with each licensed activity.

AECL looks forward to the next round when the revised regulations are issued for public consultation.

If you require further information or have any questions regarding this submission, please contact me as below.

Atomic Energy of Canada Limited

Chalk River Laboratories
Chalk River, Ontario
Canada K0J 1J0
Telephone: 613-584-3311
Toll Free: 1-866-513-2325

Énergie atomique du Canada limitée

Laboratoires de Chalk River
Chalk River (Ontario)
Canada K0J 1J0
Téléphone: 613-584-3311
Sans frais: 1-866-513-2325

Yours sincerely,



T. Arthur, Manager
Regulatory Affairs
Phone: 613-584-8021
Fax: 613-584-8031
Email: arthurt@aecl.ca

TA/mj
1 Attachment

c	C. Carrier (CNSC)	Consultations (CNSC)		
	A. Bugg	S.K. Cotnam	C. de Vries	J.D. Garrick
	R.M. Lesco	S. Mistry	S. Needham	U. Senaratne
	K.L. Smith	C.E. Taylor	R. Walker	
	>CR CNSC Site Office	>CR Licensing	>SRC	

Attachment A
Comments on DIS-13-02, Proposed Amendments to Regulations Made under the Canadian Nuclear Safety & Control Act

#	Document Section/ Excerpt of Section	AECL Issue	Suggested Change (if applicable)	Major Comment/ Request for Clarification	Impact on AECL, if major comment
1.	<p><u>2.1 Submission of provincial offsite emergency plans to the CNSC</u></p> <p>“The CNSC is proposing to amend the <i>Class I Nuclear Facilities Regulations</i> to require that applicants/licensees submit the offsite emergency response plans of their provincial ministry or branch of government, and/or municipal government, to the CNSC. It is expected that evidence supporting how the licensee meets the requirements of those plans would also be provided to the CNSC. This would be done as part of a licence application for the issuance or renewal of a licence to construct, to operate or to decommission a Class IA or Class IB nuclear facility.”</p>	<p>AECL does not support this proposal.</p> <p>There are many important Programs ensuring safe operation of nuclear facilities. The current Act and Regulations give the CNSC authority to enact specific requirements through Licensing and Regulatory Documents. Specific regulations should only be enacted in an area if this authority is insufficient to ensure safety.</p> <p>AECL believes the CNSC already has the authority to achieve these requirements as the Licensee interface with the Municipal and Provincial emergency plans, are already provided in the current licensee emergency plans. Provincial plans are provided and readily available.</p> <p>If the intent is to influence municipal and the provincial plans then this approach is not feasible.</p>	<p>Do not include this requirement in the regulations. This should not be a requirement of the licensee.</p>	<p>MAJOR</p>	<p>There is no safety benefit to this requirement. These plans are already publically available and the CNSC currently has the ability to carry out discussions with municipal and provincial governments. The licensee requirements of these plans are already embedded into the licensee emergency plans which are required by regulation.</p> <p>This is seen by AECL as the CNSC using the licensee as a means to enact regulatory oversight on provincial and municipal governments. If the CNSC desires to go in such a direction then they should enact direct legislation on the provincial and municipal governments and not be doing it through the licensee as the licensee has no control over these entities.</p>

#	Document Section/ Excerpt of Section	AECL Issue	Suggested Change (if applicable)	Major Comment/ Request for Clarification	Impact on AECL, if major comment
2.	<p><u>2.2 Inclusion of human performance and fitness for duty requirements in regulations</u></p> <p>“The CNSC is proposing to include a requirement within the <i>General Nuclear Safety and Control Regulations</i> to ensure that licence applicants and licensees address human performance and fitness for duty in a safe and reliable manner, in order to prevent unreasonable risk to the health and safety of persons and the environment. All licensees would be expected to have measures in place to support the performance of workers in carrying on the licensed activities, and to ensure workers are physically, physiologically and psychologically fit to fulfill their duties at the required levels of safety.”</p>	<p>AECL does not support this proposal.</p> <p>In the area of Human Performance all Canadian Licensees have robust Human Performance programs commensurate with the risk for the licensed activity, and additional Regulatory Documents are being considered.</p> <p>The current Regulations provide sufficient authority to CNSC in this area and additional regulation is not required.</p> <p>The Discussion Paper did not provide justification for this addition.</p> <p>There are many important Programs ensuring safe operation of nuclear facilities. The current Act and Regulations give the CNSC authority to enact specific requirements through Licensing and Regulatory Documents. Specific regulations should only be enacted in an area if this authority is insufficient to ensure safety.</p>	<p>No additional regulation is required.</p> <p>If CNSC’s intent is to require mandatory drug and alcohol testing then this specific requirement only should be added.</p>	<p>MAJOR</p>	<p>Since the intent is not clear the impact on AECL cannot yet be estimated. Clearly any new regulation adds burden and should only be undertaken where sufficient authority does not already exist.</p>

#	Document Section/ Excerpt of Section	AECL Issue	Suggested Change (if applicable)	Major Comment/ Request for Clarification	Impact on AECL, if major comment
3.	<p>2.3 <u>Inclusion of periodic integrated safety reviews for nuclear power plants</u></p> <p>“The CNSC is proposing to include a requirement, in the Class I Nuclear Facilities Regulations, for all NPPs to carry out mandatory and comprehensive ISRs at least once every ten years. It is expected that licensees will provide a proposed implementation plan to address any safety modifications emanating from the ISR.”</p>	<p>It is unnecessary to include the periodic intergrated safety review requirement in the Class I Nuclear Facility Regulations as there will be a regulatory document and likely licence condition requiring NPP facilities to perform this activity.</p> <p>The proposed wording is too specific to ISRs and should be made more general. Utilities cannot carry out an ISR every ten years as this would be cost prohibitive and would divert resources from other saftey related activities.</p> <p>The periodic safety reviews need to only focus on the changes that have occurred since the previous safety review.</p>	<p>If the CNSC conclude that it is absolutely necessary to include this in the Regulations, then the proposed wording is:</p> <p><i>“The CNSC is proposing to include a requirement, in the Class I Nuclear Facilities Regulations, for all NPPs to carry out 10 year safety reviews. It is expected that licensees will provide a proposed implementation plan to address any safety modifications emanating from these safety reviews.”</i></p>	MAJOR	<p>There is a Significant financial impact for AECL to conduct periodically an ISR. This would also divert resources away from other safety activities.</p> <p>AECL agrees to complete a review of safety on a periodic basis, This safety review would focus on what has changed since the previous safety review.</p>
4.	<p>2.4 <u>Certification of Exposure Device Operators</u></p> <p>“The CNSC is proposing to amend the <i>Nuclear Substances and Radiation Devices Regulations</i> to require the certification for EDOs to be valid for a specified period of time. This will require EDOs to renew their certification regularly with the interval to be determined through consultation.</p> <p>In addition, all EDOs would be required to have with them their certification credentials when operating a radioactive device, and to present their certification upon request from a CNSC inspector.”</p>	<p>AECL supports the initiative of defining a renewal period for EDO certification.</p> <p>AECL supports the initiative of defining a requirement for radiographers to produce their credentials upon request of a CNSC inspector, however, requests that there be flexibility with requiring that radiographers carry their card during operation. At nuclear power plants, radiography is typically performed in Class I facility radiological work areas, therefore radiographers are requested to not carry cards during field operation, but are available on site.</p>	<p>Include both requirements but allow for radiographers to be able to produce certification credentials during an inspection without having to carry the card on the person during field operation.</p> <p>Suggested Wording: “In addition, all Exposure Device Operators when operating radioactive devices, as a minimum, shall have a copy of their certification credentials available at the work site or facility.”</p>	MAJOR	<p>This allows for flexibility when working in radiological work areas where workers are limited to the items they bring in to the area when working at Class I facilities.</p>

#	Document Section/ Excerpt of Section	AECL Issue	Suggested Change (if applicable)	Major Comment/ Request for Clarification	Impact on AECL, if major comment
5.	<p><u>2.5 Licensees to inform first responders of the presence and location of radioactive nuclear substances or prescribed equipment</u></p> <p>“The CNSC is proposing to amend the <i>Nuclear Substances and Radiation Devices Regulations</i> to require that all licensees in possession of these nuclear substances or devices containing these substances, inform their local first responders of the presence of these materials on their site, including the hazards they could pose to offsite emergency responders.”</p>	<p>AECL supports the proposal in principle however has the following issues:</p> <p>a. Regarding the definition of local in regard to "local first responders", the Transportation of Dangerous Goods Act defines local responders as those that form part of the emergency plan. This definition is not clear in the proposal.</p> <p>b. For Facilities that have their own emergency responders for fire and medical with regard to informing local 'first responders', local 'responders' would be follow-on forces/support to the Site response at the licensed facility. They would receive a safety/hazard briefing on arrival and work under direction of the Site emergency responders. Therefore the first responders' radiological safety is maintained by the licensee and first responders do not need this information.</p> <p>c. The revised regulation needs to consider the potential to disclose sensitive information, especially Classified details regarding storage of nuclear material. Detailed inventories may be designated as Classified-SECRET and assurance is required that a non-classified summary would be sufficient.</p>	<p>Propose</p> <p>i. The local first responders are defined as those identified in the Site Emergency Plan.</p> <p>ii. Exempt Facilities with their own emergency response organizations from providing the information to local first responders as they do not have a leading role in mitigating or managing the emergency.</p> <p>iii. with respect to issue c),first responders should be informed using a non-classified summary of inventory .</p>	<p>MAJOR</p>	<p>This could become a major information and training burden. Implemented as written, there appears to be little benefit to the local responders to Sites that have their own emergency response organizations in place.</p> <p>Need to ensure that Reg changes do not impact security regulatory requirements.</p>

#	Document Section/ Excerpt of Section	AECL Issue	Suggested Change (if applicable)	Major Comment/ Request for Clarification	Impact on AECL, if major comment
6.	<p><u>2.6 Replace Requirement for “quality assurance program” with a Requirement for a “management system”</u></p> <p>“The CNSC is proposing to amend the requirement in the <i>Class I Nuclear Facilities Regulations</i> and the <i>Uranium Mines and Mills Regulations</i> from “quality assurance program” to “management system”.</p>	AECL supports this proposal.			
7.	<p><u>2.7 Exemption from Class II radiation safety officer certification requirements for Class I certified personnel</u></p> <p>“The CNSC is therefore proposing to make an amendment to the <i>Class II Nuclear Facilities and Prescribed Equipment Regulations</i>, to ensure that the language used in the section 15.12 “exemption clause” reflects more accurately that Class II certification is not required if an RSO is appointed in relation to a Class II facility and already possesses Class I certification.”</p>	AECL supports this proposal. However, this change does not address all current industry situations e.g. Chalk River Class II nuclear facilities.	The revised regulations need to include exemption to have an RSO for Class I licensees who also have Class II on the same site on the basis that they have a well developed and implemented management system and Radiation Protection Program that meets the intent of having an RSO.		
8.	<p><u>2.8 Repeal of obsolete clause regarding radiation safety officer certification</u></p> <p>“The CNSC is proposing to repeal section 15.06 of the <i>Class II Nuclear Facilities and Prescribed Equipment Regulations</i>.”</p>	AECL supports this proposal.			

#	Document Section/ Excerpt of Section	AECL Issue	Suggested Change (if applicable)	Major Comment/ Request for Clarification	Impact on AECL, if major comment
9.	<p>2.9 <u>Clarification of nature and scope of “requests for rulings”</u></p> <p>“The CNSC is therefore proposing two amendments to rule 20 of the <i>Canadian Nuclear Safety Commission Rules of Procedure</i>.</p> <p>The first proposed amendment would require that requests for ruling be made in writing and submitted prior to a hearing. Such requests are to be defined as “preliminary requests for rulings”. It is proposed that section 20 (1) and (2) be modified to indicate that the Commission may entertain preliminary motions/requests before a hearing begins, and may provide its ruling before or after the conclusion of the hearing (with the decision), according to the considerations of fairness.</p> <p>The second proposed amendment is that rule 20(4) be amended to clarify that the Commission may issue a ruling upon a request, when it is fair and expeditious to do so, or may issue its decision at the end of the proceedings, upon consideration of all the evidence.”</p>	AECL supports this proposal.			

#	Document Section/ Excerpt of Section	AECL Issue	Suggested Change (<i>if applicable</i>)	Major Comment/ Request for Clarification	Impact on AECL, <i>if major comment</i>
10.	<p>2.10 <u>Clarification of concept of “interest in a matter”</u></p> <p>“The CNSC is therefore proposing to amend rule 19 of the <i>Canadian Nuclear Safety Commission Rules of Procedure</i>, to qualify the concept of “interest in a matter.” It is proposed that in addition to persons who have expertise or information that may aid the Commission in coming to a decision, only interventions from stakeholders with a “direct interest” in a matter would be accepted, or in cases where a proposed project could have a “direct effect/impact” on a person’s interest. Should this distinction be made in the <i>Rules of Procedure</i>, the CSNC would develop criteria to clarify and further define what is meant by a “direct” interest or impact, to ensure clarity for both the Commission and stakeholders.</p>	AECL supports this proposal.			

From: BURTON Maury(MP) - BRUCE POWER [mailto:maury.burton@brucepower.com]

Sent: Wednesday, December 04, 2013 2:50 PM

To: Consultation; Dallaire, Mark; Moses, Colin

Cc: SAUNDERS Frank(F) - BRUCE POWER; BOYADJIAN Joe(J) - BRUCE POWER

Subject: Request for Extension of review period Invitation to comment on discussion paper DIS-13-02, Proposed Amendments to Regulations Made Under the Canadian Nuclear Safety and Control Act

Colin, Mark:

The purpose of this e-mail is to request a 60-day extension to the consultation period for Discussion Paper DIS-13-02, "Proposed Amendments to Regulations Made Under the Canadian Nuclear Safety and Control Act," from January 20, 2014, to March 21, 2014.

The current consultation ends immediately after the upcoming holiday period, and for some licensees, December 31 is the end of their fiscal year, with the commensurate demands on staff and managers. In addition, many staff that would need to be involved in the review are engaged in the support of the applications for renewal of the Bruce Power operating licences and other Regulatory Documents that are currently out for public comment. We also note that the 60 day comment period is much shorter than the standard 120 calendar day consultation period for discussion papers noted on the CNSC website (<http://www.nuclearsafety.gc.ca/eng/acts-and-regulations/regulatoryframework/index.cfm#sec8>).

Given the proposed changes impact multiple Regulations and have the potential to significantly impact Bruce Power's operations and that of the nuclear industry, we conclude that additional consultation time would allow better constructive feedback to the CNSC.

Thank you for your consideration.

Maury Burton | Department Manager | Regulatory Affairs | Bruce Power | B10 4W | 519.361.5291

This email is intended only for the named recipient(s) and may contain information that is confidential and/or exempt from disclosure under applicable law and should not be distributed in any manner without the prior consent of Bruce Power.

March 20, 2014

NK21-CORR-00531-11207
NK29-CORR-00531-11610

Mr. B. Torrie
Director, Bruce Regulatory Program Division
Canadian Nuclear Safety Commission
P.O. Box 1046
280 Slater Street
Ottawa, Ontario
K1P 5S9

Dear Mr. Torrie:

Bruce Power Comments on DIS-13-02:
Proposed Amendments to Regulations Made Under the Nuclear Safety and Control Act

The purpose of this letter is to submit Bruce Power's comment on the CNSC Discussion Paper DIS-13-02.

Bruce Power's detailed comments are contained in Attachment A. Bruce Power is generally supportive of the proposed changes however there are some proposals which we feel are unnecessary and which should be driven through REGDOCS.

Bruce Power is also concerned with the proposed requirement to submit the offsite emergency response plans of the provincial ministry as part of the licensing process. This is a document that is not owned by Bruce Power. All requirements on Bruce Power in regards to the provincial offsite emergency response plan are already embedded into the Bruce Power emergency plan which is already submitted as a requirement of Section 6(k) of the *Class I Nuclear Facilities Regulations*.

If you require further information or have any questions regarding this submission, please contact Mr. Maury Burton, Department Manager, Regulatory Affairs, at (519) 361-5291.

Yours truly,

A handwritten signature in black ink, appearing to read 'Frank Saunders'.

Frank Saunders
Vice President Nuclear Oversight and Regulatory Affairs
Bruce Power

cc: CNSC Bruce Site Office (Letter only)
K. Lafrenière – CNSC

Attach.

Bruce Power Frank Saunders, Vice President - Nuclear Oversight and Regulatory Affairs
P.O. Box 1540 B10 4th floor W Tiverton ON N0G 2T0
Telephone 519 361-5025 Facsimile 519 361-4559
frank.saunders@brucepower.com

NK21-CORR-00531-11207
NK29-CORR-00531-11610

Attachment A

Bruce Power Comments on DIS-13-02: Proposed Amendments to Regulations Made Under the Nuclear Safety and Control Act

Bruce Power Comments on DIS-13-02:

Proposed Amendments to Regulations Made under the Canadian Nuclear Safety & Control Act

Document Section/ Excerpt of Section	Industry Issue	Suggested Change (if applicable)	Major Comment/ Request for Clarification ¹	Impact on Industry, if major comment
<p>1.</p> <p>2.1 Submission of provincial offsite emergency plans to the CNSC</p> <p>“The CNSC is proposing to amend the <i>Class 1 Nuclear Facilities Regulations</i> to require that applicants/licensees submit the offsite emergency response plans of their provincial ministry or branch of government, and/or municipal government, to the CNSC. It is expected that evidence supporting how the licensee meets the requirements of those plans would also be provided to the CNSC. This would be done as part of a licence application for the issuance or renewal of a licence to construct, to operate or to decommission a Class 1A or Class 1B nuclear facility.”</p>	<p>There are many important Programs ensuring safe operation of nuclear facilities. The current Act and Regulations gives CNSC authority to enact specific requirements through Licensing and Regulatory Documents. Specific regulations should only be enacted in an area if this authority is insufficient to ensure safety.</p> <p>Clearly CNSC already has authority to achieve these requirements. Licensee interfaces with the Municipal and Provincial emergency plans are already provided in the current licensee emergency plans. Provincial plans are provided and readily available.</p> <p>If the intent is to influence municipal and the provincial plans then this approach is not feasible.</p> <p>We note that all requirements on Bruce Power in regards to the provincial offsite emergency response plan are already embedded into the Bruce Power emergency plan which is already submitted as a requirement of Section 6(k) of the <i>Class 1 Nuclear Facilities Regulations</i>.</p>	<p>Do not include this requirement in the regulations. This should not be a requirement of the licensee.</p>	<p>MAJOR</p>	<p>There is no safety benefit to this requirement. These plans are already publically available and the CNSC currently has the ability to carry out discussions with municipal and provincial governments. The licensee requirements of these plans are already embedded into the licensee emergency plans which are required by regulation.</p> <p>This is seen by industry as the CNSC using the licensee as a means to enact regulatory oversight on provincial and municipal governments. If the CNSC desires to go in such a direction then they should enact direct legislation on the provincial and municipal governments and not be doing it through the licensee as the licensee has no control over these entities.</p>

¹ Please identify whether the comment is a major comment or a request for clarification

Bruce Power Comments on DIS-13-02:

Proposed Amendments to Regulations Made under the Canadian Nuclear Safety & Control Act

Document Section/ Excerpt of Section	Industry Issue	Suggested Change (if applicable)	Major Comment/ Request for Clarification ¹	Impact on Industry, if major comment
<p>2.</p> <p>2.2 Inclusion of human performance and fitness for duty requirements in regulations</p> <p>“The CNSC is proposing to include a requirement within the <i>General Nuclear Safety and Control Regulations</i> to ensure that licence applicants and licensees address human performance and fitness for duty in a safe and reliable manner, in order to prevent unreasonable risk to the health and safety of persons and the environment.</p> <p>All licensees would be expected to have measures in place to support the performance of workers in carrying on the licensed activities, and to ensure workers are physically, physiologically and psychologically fit to fulfill their duties at the required levels of safety.”</p>	<p>In the area of Human Performance all Canadian Licensees have robust Human Performance programs commensurate with the risk for the licensed activity and additional Regulatory Documents are being considered.</p> <p>The current Regulations provide sufficient authority to CNSC in this area and additional regulation is not required.</p> <p>The Discussion Paper did not provide justification for this addition.</p> <p>There are many important Programs ensuring safe operation are nuclear facilities. The current Act and Regulations gives CNSC authority to enact specific requirements through Licensing and Regulatory Documents. Specific regulations should only be enacted in an area if this authority is insufficient to ensure safety</p>	<p>No additional regulation is required.</p> <p>If CNSC's intent is to require mandatory drug and alcohol testing then this specific requirement only should be added.</p>	<p align="center">MAJOR</p>	<p>Since the intent is not clear the impact on industry cannot yet be estimated. Clearly any new regulation adds burden and should only be undertaken where sufficient authority does not already exist.</p>

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Bruce Power Comments on DIS-13-02:

Proposed Amendments to Regulations Made under the Canadian Nuclear Safety & Control Act

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<p>3.</p> <p>2.3 Inclusion of periodic integrated safety reviews for nuclear power plants</p> <p>“The CNSC is proposing to include a requirement, in the Class I Nuclear Facilities Regulations, for all NPPs to carry out mandatory and comprehensive ISRs at least once every ten years. It is expected that licensees will provide a proposed implementation plan to address any safety modifications emanating from the ISR.”</p>	<p>There are many important Programs ensuring safe operation of power plants. The current Act and Regulations gives CNSC authority to enact specific requirements through Licensing and Regulatory Documents. Specific regulations should only be enacted in an area if this authority is insufficient to ensure safety.</p> <p>This requirement can be introduced into the licensing process without a change to the regulations, and this is our preferred route. This could provide a higher level of flexibility. A number of other safety related requirements have been successfully introduced into the licensing basis via CNSC regulatory documents or CSA standards. We suggest using these tools.</p>	<p>Do not include this in the amended regulations.</p> <p>If the intent is just to introduce the requirement for a periodic review then the statement should simply be that, i.e. A ten year review is required.</p> <p>The detail on how and to what depth will change as technical capability is enhanced with time and should be controlled through Standards not regulation.</p>	<p>MAJOR</p>	<p>The Periodic Application of Integrated Safety Review can be successfully implemented via a CNSC REGDOC.</p>

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<p>4. 2.4 Certification of Exposure Device Operators “The CNSC is proposing to amend the <i>Nuclear Substances and Radiation Devices Regulations</i> to require the certification for EDOs to be valid for a specified period of time. This will require EDOs to renew their certification regularly with the interval to be determined through consultation. In addition, all EDOs would be required to have with them their certification credentials when operating a radioactive device, and to present their certification upon request from a CNSC inspector.”</p>	<p>Industry supports the initiative of defining a renewal period for EDO certification. Industry supports the initiative of defining a requirement for radiographers to produce their credentials upon request of a CNSC inspector, however, requests that there be flexibility with requiring that radiographers carry their card during operation. At nuclear power plants, radiography is typically performed in Class I facility radiological work areas, therefore radiographers are requested to not carry cards during field operation, but are available on site.</p>	<p>Include both requirements but allow for radiographers to be able to produce certification credentials during an inspection without having to carry the card on the person during field operation. Suggested Wording: “In addition, all Exposure Device Operators when operating radioactive devices, as a minimum, shall have a copy of their certification credentials available at the work site or facility.”</p>	<p align="center">MAJOR</p>	<p>This allows for flexibility when working in radiological work areas where workers are limited to the items they bring in to the area when working at Class I facilities.</p>

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Bruce Power Comments on DIS-13-02:

Proposed Amendments to Regulations Made under the Canadian Nuclear Safety & Control Act

Document Section/ Excerpt of Section	Industry Issue	Suggested Change (if applicable)	Major Comment/ Request for Clarification ¹	Impact on Industry, if major comment
<p>5. 2.5 Licensees to inform first responders of the presence and location of radioactive nuclear substances or prescribed equipment</p> <p>"The CNSC is proposing to amend the <i>Nuclear Substances and Radiation Devices Regulations</i> to require that all licensees in possession of these nuclear substances or devices containing these substances, inform their local first responders of the presence of these materials on their site, including the hazards they could pose to offsite emergency responders."</p>	<p>Industry has the following issues :</p> <p>a. Regarding the definition of local in regard to 'local first responders, the Transportation of Dangerous Goods Act defines local responders as those that form part of the emergency plan. This definition is not clear in the proposal for NSCA.</p> <p>b. For Facilities that have their own emergency responders for fire and medical with regard to informing local 'first responders' local 'responders' would be follow on forces/support to the Site response at the licensed facility. They would receive a safety/hazard briefing on arrival and work under direction of the Site emergency responders. Therefore the first responders do not need this information.</p> <p>c. The revised regulations needs to consider the potential to disclose sensitive information especially Classified details regarding storage of nuclear material. Detailed inventories may be designated as Classified-SECRET and assurance is required that a non-classified summary would be sufficient.</p>	<p>Propose</p> <p>i. The local first responders are defined as those identified in the Site Emergency Plan.</p> <p>ii. Exempt Facilities with their own emergency response organizations from providing the information to local first responders as they do not have a leading role in mitigating or managing the emergency.</p> <p>iii. with respect to issue c),the assurance required would be a non-classified summary</p>	<p align="center">MAJOR</p>	<p>This could become a major information and training burden. Implemented as written, there appears to be little benefit to the local responders to Sites that have their own emergency response organizations in place, Need to ensure that Reg changes do not impact security regulatory requirements</p>

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Document Section/ Excerpt of Section	Industry Issue	Suggested Change (if applicable)	Major Comment/ Request for Clarification?	Impact on Industry, if major comment
<p>6. <u>2.6 Replace Requirement for "quality assurance program" with a Requirement for a "management system"</u> "The CNSC is proposing to amend the requirement in the <i>Class I Nuclear Facilities Regulations</i> and the <i>Uranium Mines and Mills Regulations</i> from "quality assurance program" to "management system".</p>	<p>Industry supports this proposal</p>			
<p>7. <u>2.7 Exemption from Class II radiation safety officer certification requirements for Class I certified personnel</u> "The CNSC is therefore proposing to make an amendment to the <i>Class II Nuclear Facilities and Prescribed Equipment Regulations</i>, to ensure that the language used in the section 15.12 "exemption clause" reflects more accurately that Class II certification is not required if an RSO is appointed in relation to a Class II facility and already possesses Class I certification."</p>	<p>Industry supports this proposal. However, this change does not address all current industry situations e.g. Chalk River class 2 nuclear facilities.</p>	<p>The revised regulations need to include exemption to have an RSO for Class I licensees who also have Class II on the same site on the basis that they have a well developed and implemented management system and Radiation Protection Program that meets the intent of having an RSO</p>		
<p>8. <u>2.8 Repeal of obsolete clause regarding radiation safety officer certification</u> "The CNSC is proposing to repeal section 15.06 of the <i>Class II Nuclear Facilities and Prescribed Equipment Regulations</i>."</p>	<p>Industry supports this proposal.</p>			

¹ Please identify whether the comment is a major comment or a request for clarification

**Bruce Power Comments on DIS-13-02:
Proposed Amendments to Regulations Made under the Canadian Nuclear Safety & Control Act**

<p>9. <u>2.9 Clarification of nature and scope of “requests for rulings”</u> “The CNSC is therefore proposing two amendments to rule 20 of the <i>Canadian Nuclear Safety Commission Rules of Procedure</i>. The first proposed amendment would require that requests for ruling be made in writing and submitted prior to a hearing. Such requests are to be defined as “preliminary requests for rulings”. It is proposed that section 20 (1) and (2) be modified to indicate that the Commission may entertain preliminary motions/requests before a hearing begins, and may provide its ruling before or after the conclusion of the hearing (with the decision), according to the considerations of fairness. The second proposed amendment is that rule 20(4) be amended to clarify that the Commission may issue a ruling upon a request, when it is fair and expeditious to do so, or may issue its decision at the end of the proceedings, upon consideration of all the evidence.”</p>	<p>Industry supports this proposal.</p>			
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**Bruce Power Comments on DIS-13-02:
Proposed Amendments to Regulations Made under the Canadian Nuclear Safety & Control Act**

<p>10.</p> <p>2.10 Clarification of concept of “interest in a matter”</p> <p>“The CNSC is therefore proposing to amend rule 19 of the <i>Canadian Nuclear Safety Commission Rules of Procedure</i>, to qualify the concept of “interest in a matter.” It is proposed that in addition to persons who have expertise or information that may aid the Commission in coming to a decision, only interventions from stakeholders with a “direct interest” in a matter would be accepted, or in cases where a proposed project could have a “direct effect/impact” on a person’s interest. Should this distinction be made in the <i>Rules of Procedure</i>, the CSNC would develop criteria to clarify and further define what is meant by a “direct” interest or impact, to ensure clarity for both the Commission and stakeholders.</p>	<p>Industry supports this proposal</p>			
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¹ Please identify whether the comment is a major comment or a request for clarification

TU 06374

November 29, 2013

Mr. M. Dallaire, Director General
Regulatory Policy Directorate
Canadian Nuclear Safety Commission
280 Slater Street
P.O. Box 1046, Station B
Ottawa, Ontario
K1P 5S9

Dear Mr. Dallaire:

Subject: PLGS Request for Extension of the Period to Comment on Discussion Paper DIS-13-02, Proposed Amendments Made Under the Canadian Nuclear Safety and Control Act

The purpose of this letter is to request an extension of the review period for comment on Discussion Paper DIS-13-02, Proposed Amendments Made Under the Canadian Nuclear Safety and Control Act.

The current consultation ends immediately after the upcoming holiday period, and for some licensees, December 31 is the end of their fiscal year, with the commensurate demands on staff and managers. The number and significance of current CNSC documents being reviewed is also of concern.

PLGS would like to request a 60-day extension to the consultation period from January 20, 2014, to March 21, 2014. Given the proposed changes impact multiple Regulations and have the potential to significantly impact PLGS's operations and that of the nuclear industry, we conclude that additional consultation time would allow better constructive feedback to the CNSC.

NB Power appreciates the opportunity to provide comments on this regulatory document and is prepared to clarify our comments and concerns. If you require additional information, please contact Rick Gauthier at 506-659-6236 or RGauthier@nbpower.com.

../2

Sincerely,



for Sean Granville
Site Vice President and Chief Nuclear Officer

SG/RG/sd

cc. Ben Poulet, Pierre Bélanger, Lisa Love-Tedjoutomo, (CNSC - Ottawa),
consultation@cnsccsn.gc.ca
CNSC Site Office
Al MacDonald (NBP)

TU 06374
PICA 13-9615

March 21, 2014

Mr. Brian Torrie, Director General
Regulatory Policy Directorate
Canadian Nuclear Safety Commission
280 Slater Street
P.O. Box 1046, Station B
Ottawa, Ontario
K1P 5S9

Dear Mr. Torrie:

Subject: NB Power Comments on DIS-13-02, Proposed Amendments Made to Regulations Under the Canadian Nuclear Safety and Control Act

The purpose of this letter is to provide NB Power's comments on DIS-13-02, Proposed Amendments Made to Regulations Under the Canadian Nuclear Safety and Control Act. NBP has collaborated with AECL, Bruce Power and Ontario Power Generation to review the DIS-13-02 in detail and these comments are provided in Attachment 1.

NBP is supportive of this initiative to revise the Nuclear Safety and Control Act. There are some concerns and comments have been provided recommending changes for improving the overall regulations.

NB Power appreciates the opportunity to provide comments on this regulatory document and is prepared to clarify our comments and concerns. If you require additional information, please contact **Rick Gauthier** at 506-659-6236 or rgauthier@nbpower.com.

Sincerely,



Sean Granville
Site Vice President and Chief Nuclear Officer

SG/RG/sd

cc. Ben Poulet, Pierre Bélanger, Lisa Love-Tedjoutomo, (CNSC - Ottawa),
consultation@cnscccsn.gc.ca
CNSC Site Office
Paul Thompson, Al MacDonald (NBP)

Attachment:

1. Industry Comments on DIS-13-02, Proposed Amendments to Regulations Made under the Canadian Nuclear Safety & Control Act.

Industry Comments on DIS-13-02, Proposed Amendments to Regulations Made under the Canadian Nuclear Safety & Control Act – Attachment 1

#	Document Section/ Excerpt of Section	Industry Issue	Suggested Change (if applicable)	Major Comment	Impact on Industry, if major comment
1	<p><u>2.1 Submission of provincial offsite emergency plans to the CNSC</u></p> <p>“The CNSC is proposing to amend the <i>Class 1 Nuclear Facilities Regulations</i> to require that applicants/licensees submit the offsite emergency response plans of their provincial ministry or branch of government, and/or municipal government, to the CNSC. It is expected that evidence supporting how the licensee meets the requirements of those plans would also be provided to the CNSC. This would be done as part of a licence application for the issuance or renewal of a licence to construct, to operate or to decommission a Class 1A or Class 1B nuclear facility.”</p>	<p>There are many important Programs ensuring safe operation of power plants. The current Act and Regulations gives CNSC authority to enact specific requirements through Licensing and Regulatory Documents. Specific regulations should only be enacted in an area if this authority is insufficient to ensure safety.</p> <p>Clearly CNSC already has authority to achieve these requirements. Licensee interfaces with the Municipal and Provincial emergency plans are already provided in the current licensee emergency plans. Provincial plans are provided and readily available.</p> <p>If the intent is to influence municipal and the provincial plans then this approach is not sufficient.</p>	<p>Do not include this requirement in the regulations. This should not be a requirement of the licensee.</p>	<p>MAJOR</p>	<p>There is no safety benefit to this requirement. These plans are already publicly available and the CNSC currently has the ability to carry out discussions with municipal and provincial governments. The licensee requirements of these plans are already embedded into the licensee emergency plans which are required by regulation.</p> <p>This is seen by industry as the CNSC using the licensee as a means to enact regulatory oversight on provincial and municipal governments. If the CNSC desires to go in such a direction then they should enact direct legislation on the provincial and municipal governments and not be doing it through the licensee as the licensee has no control over these entities.</p>
2	<p><u>2.2 Inclusion of human performance and fitness for duty requirements in regulations</u></p> <p>“The CNSC is proposing to include a requirement within the <i>General Nuclear Safety and Control Regulations</i> to ensure that licence applicants and licensees address human performance and fitness for duty in a safe and reliable manner, in order to prevent unreasonable risk to the health and safety of persons and the environment. All licensees would be expected to have measures in place to support the</p>	<p>There are many important Programs ensuring safe operation of power plants. The current Act and Regulations gives CNSC authority to enact specific requirements through Licensing and Regulatory Documents. Specific regulations should only be enacted in an area if this authority is insufficient to ensure safety.</p> <p>In the area of Human Performance all Canadian NPPs have robust Human Performance programs and additional Regulatory Documents are being</p>	<p>No additional regulation is required.</p> <p>If CNSC's intent is to require mandatory drug and alcohol testing then this specific requirement only should be added.</p>	<p>MAJOR</p>	<p>Since the intent is not clear the impact on industry cannot yet be estimated. Clearly any new regulation adds burden and should only be undertaken where sufficient authority does not already exist.</p>

Industry Comments on DIS-13-02, Proposed Amendments to Regulations Made under the Canadian Nuclear Safety & Control Act – Attachment 1

#	Document Section/ Excerpt of Section	Industry Issue	Suggested Change (if applicable)	Major Comment	Impact on Industry, if major comment
3	<p>2.3 <u>Inclusion of periodic integrated safety reviews for nuclear power plants</u> “The CSNC is proposing to include a requirement, in the Class I Nuclear Facilities Regulations, for all NPPs to carry out mandatory and comprehensive ISRs at least once every ten years. It is expected that licensees will provide a proposed implementation plan to address any safety modifications emanating from the ISR.”</p>	<p>considered. The current Regulations clearly provide sufficient authority to CNSC in this area and additional regulation is not required. The Discussion Paper did not provide justification for this addition.</p>	<p>Do not include this in the amended regulations. If the intent is just to introduce the requirement for a periodic review then the statement should simply be that, i.e. A ten year review is required. The detail on how and to what depth will change as technical capability is enhanced with time and should be controlled through Standards not regulation.</p>	<p>MAJOR</p>	<p>The Periodic Application of Integrated Safety Review can be successfully implemented via a CNSC REGDOC.</p>
		<p>There are many important Programs ensuring safe operation of power plants. The current Act and Regulations gives CNSC authority to enact specific requirements through Licensing and Regulatory Documents. Specific regulations should only be enacted in an area if this authority is insufficient to ensure safety. This requirement can be introduced into the licensing process without a change to the regulations, and this is our preferred route. This could provide a higher level of flexibility. A number of other safety related requirements have been successfully introduced into the licensing basis via CNSC regulatory documents or CSA standards. We suggest using these tools. If it were to be included in the regulations, we would want to make sure it was clear that a PSIR was of a reduced scope from what was performed for the ISR, as it is effectively looking at what has changed since the previous ISR.</p>			

Industry Comments on DIS-13-02, Proposed Amendments to Regulations Made under the Canadian Nuclear Safety & Control Act – Attachment 1

#	Document Section/ Excerpt of Section	Industry Issue	Suggested Change (if applicable)	Major Comment	Impact on Industry, if major comment
4	<p>2.4 Certification of Exposure Device Operators</p> <p>"The CNSC is proposing to amend the <i>Nuclear Substances and Radiation Devices Regulations</i> to require the certification for EDOs to be valid for a specified period of time. This will require EDOs to renew their certification regularly with the interval to be determined through consultation. In addition, all EDOs would be required to have with them their certification credentials when operating a radioactive device, and to present their certification upon request from a CNSC inspector."</p>	<p>NBP supports the initiative of defining a renewal period for EDO certification. NBP supports the initiative of defining a requirement for radiographers to produce their credentials upon request of a CNSC inspector, however, requests that there be flexibility with requiring that radiographers carry their card during operation. At nuclear power plants, radiography is typically performed in Class I facility radiological work areas, therefore radiographers are requested to not carry cards during field operation, but are available on site.</p>	<p>Include both requirements but allow for radiographers to be able to produce certification credentials during an inspection without having to carry the card on the person during field operation.</p> <p>Suggested Wording: "In addition, all Exposure Device Operators when operating radioactive devices, as a minimum, shall have a copy of their certification credentials available at the work site or facility."</p>	<p>MAJOR</p>	<p>This allows for flexibility when working in radiological work areas where workers are limited to the items they bring in to the area when working at Class I facilities.</p>
5	<p>2.5 Licensees to inform first responders of the presence and location of radioactive nuclear substances or prescribed equipment</p> <p>"The CNSC is proposing to amend the <i>Nuclear Substances and Radiation Devices Regulations</i> to require that all licensees in possession of these nuclear substances or devices containing these substances, inform their local first</p>	<p>NBP requests the following clarification:</p> <p>a. the means of communication required to inform first responders of the presence of nuclear substances or prescribed equipment.</p> <p>b. Definition of local in regard to 'local first responders'. TDG defines local responders as those</p>	<p>Propose</p> <p>i. the local first responders are defined as those identified in the Site Emergency Plan.</p> <p>ii. Exempt Facilities</p>	<p>MAJOR</p>	<p>This could become a major information and training burden. Implemented as written, there appears to be little benefit to the local responders to Sites that have their own emergency response organizations in place.</p>

Industry Comments on DIS-13-02, Proposed Amendments to Regulations Made under the Canadian Nuclear Safety & Control Act – Attachment 1

#	Document Section/ Excerpt of Section	Industry Issue	Suggested Change (if applicable)	Major Comment	Impact on Industry, if major comment
	responders of the presence of these materials on their site, including the hazards they could pose to offsite emergency responders.”	that form part of the emergency plan. This definition is not clear in the proposal for NSCA. c. What is the expectation on facilities that have their own emergency responders for fire and medical with regard to informing local ‘first responders’ In this instance local ‘responders’ would be follow on forces/support to the Site response as at Bruce Power. They would receive a safety/hazard briefing on arrival and work under direction of the Site emergency responders.	with their own emergency response organizations from providing the information to local first responders as they do not have a leading role in mitigating or managing the emergency.		
6	2.6 Replace Requirement for “quality assurance program” with a Requirement for a “management system” “The CNSC is proposing to amend the requirement in the <i>Class I Nuclear Facilities Regulations</i> and the <i>Uranium Mines and Mills Regulations</i> from “quality assurance program” to “management system”..	NBP supports this proposal			
7	2.7 Exemption from Class II radiation safety officer certification requirements for Class I certified personnel “The CNSC is therefore proposing to make an amendment to the <i>Class II Nuclear Facilities and Prescribed Equipment Regulations</i> , to ensure that the language used in the section 15.12 “exemption clause” reflects more	NBP supports this proposal. However, this change does not address all current industry situations e.g. Chalk River Class II nuclear facilities.			

Industry Comments on DIS-13-02, Proposed Amendments to Regulations Made under the Canadian Nuclear Safety & Control Act – Attachment 1

#	Document Section/ Excerpt of Section	Industry Issue	Suggested Change (if applicable)	Major Comment	Impact on Industry, if major comment
8	<p>2.8 <u>Repeal of obsolete clause regarding radiation safety officer certification</u></p> <p>"The CNSC is proposing to repeal section 15.06 of the <i>Class II Nuclear Facilities and Prescribed Equipment Regulations</i>."</p>	NBP supports this proposal.			
9	<p>2.9 <u>Clarification of nature and scope of "requests for rulings"</u></p> <p>"The CNSC is therefore proposing two amendments to rule 20 of the <i>Canadian Nuclear Safety Commission Rules of Procedure</i>.</p> <p>The first proposed amendment would require that requests for ruling be made in writing and submitted prior to a hearing. Such requests are to be defined as "preliminary requests for rulings". It is proposed that section 20 (1) and (2) be modified to indicate that the Commission may entertain preliminary motions/requests before a hearing begins, and may provide its ruling before or after the conclusion of the hearing (with the decision), according to the considerations of fairness.</p> <p>The second proposed amendment is</p>	NBP supports this proposal.			

Industry Comments on DIS-13-02, Proposed Amendments to Regulations Made under the Canadian Nuclear Safety & Control Act – Attachment 1

#	Document Section/ Excerpt of Section	Industry Issue	Suggested Change (if applicable)	Major Comment	Impact on Industry, if major comment
	that rule 20(4) be amended to clarify that the Commission may issue a ruling upon a request, when it is fair and expeditious to do so, or may issue its decision at the end of the proceedings, upon consideration of all the evidence.”				
10	<p>2.10 Clarification of concept of “interest in a matter”</p> <p>“The CNSC is therefore proposing to amend rule 19 of the <i>Canadian Nuclear Safety Commission Rules of Procedure</i>, to qualify the concept of “interest in a matter.” It is proposed that in addition to persons who have expertise or information that may aid the Commission in coming to a decision, only interventions from stakeholders with a “direct interest” in a matter would be accepted, or in cases where a proposed project could have a “direct effect/impact” on a person’s interest. Should this distinction be made in the <i>Rules of Procedure</i>, the CSNC would develop criteria to clarify and further define what is meant by a “direct” interest or impact, to ensure clarity for both the Commission and stakeholders.</p>	NBP supports this proposal			<p>In past hearings there have been a number of interveners that have used hearings to introduce issues not relevant to the subject matter. This wastes a great deal of time for both the Commission and licensees. We support giving the Commission greater latitude to refuse such interventions, however; believe that if the intervenor is staying to the subject matter that the intervention should be allowed.</p>

March 19, 2014

CD#: N-CORR-00531-07304

MR. BRIAN TORRIE
Director General
Regulatory Policy Directorate

Canadian Nuclear Safety Commission
280 Slater Street
Ottawa, Ontario K1P 5S9

Dear Mr. Torrie:

OPG Comments on DIS-13-02, Proposed Amendments to Regulations Made Under the Nuclear Safety and Control Act

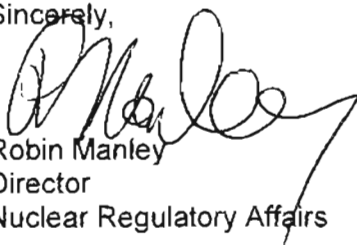
The purpose of this letter is to provide Ontario Power Generation (OPG) comments on Discussion Paper DIS-13-02, Proposed Amendments to Regulations Made Under the Nuclear Safety and Control Act, as part of the public consultation.

OPG's detailed comments are included in Attachment 1. This review of DIS-13-02 and the resulting comments, was conducted in conjunction with industry partners.

OPG appreciates the opportunity to provide comment at this early stage as the CNSC determines regulatory approach. OPG is generally supportive of the proposed changes. However, there are some proposals which we feel are overly prescriptive, the details of which should be driven through REGDOCS. OPG looks forward to being part of the CNSC's established, consultative change process.

If you require further information or have any questions regarding this submission, please contact me at (905) 839-6747 extension 5264.

Sincerely,



Robin Manley
Director
Nuclear Regulatory Affairs

Attach.

Attached to OPG Letter, R. Manley to B. Torrie, "OPG Comments on DIS-13-02,
Proposed Amendments to Regulations Made Under the Nuclear Safety and
Control Act," CD# N-CORR-00531-07304

ATTACHMENT 1

**OPG on DIS-13-02, Proposed Amendments to Regulations Made
Under the Canadian Nuclear Safety & Control Act**

OPG on DIS-13-02, Proposed Amendments to Regulations Made under the Canadian Nuclear Safety & Control Act

#	Document Section/ Excerpt of Section	OPG Issue	Suggested Change (if applicable)	Major Comment/ Request for Clarification	Impact on OPG, if major comment
1.	<p><u>2.1 Submission of provincial offsite emergency plans to the CNSC</u> "The CNSC is proposing to amend the <i>Class I Nuclear Facilities Regulations</i> to require that applicants/licensees submit the offsite emergency response plans of their provincial ministry or branch of government, and/or municipal government, to the CNSC. It is expected that evidence supporting how the licensee meets the requirements of those plans would also be provided to the CNSC. This would be done as part of a licence application for the issuance or renewal of a licence to construct, to operate or to decommission a Class IA or Class IB nuclear facility."</p>	<p>OPG does not support this proposal.</p> <p>There are many important Programs ensuring safe operation of nuclear facilities. The current Act and Regulations give the CNSC authority to enact specific requirements through Licensing and Regulatory Documents. Specific regulations should only be enacted in an area if this authority is insufficient to ensure safety.</p> <p>OPG believes the CNSC already has the authority to achieve these requirements as the Licensee interface with the Municipal and Provincial emergency plans, are already provided in the current licensee emergency plans. Provincial plans are provided and readily available.</p> <p>If the intent is to influence municipal and the provincial plans then this approach is not feasible.</p>	<p>Do not include this requirement in the regulations. This should not be a requirement of the licensee.</p>	<p>MAJOR</p>	<p>There is no safety benefit to this requirement. These plans are already publically available and the CNSC currently has the ability to carry out discussions with municipal and provincial governments. The licensee requirements of these plans are already embedded into the licensee emergency plans which are required by regulation.</p> <p>This is seen by OPG as the CNSC using the licensee as a means to enact regulatory oversight on provincial and municipal governments. If the CNSC desires to go in such a direction then they should enact direct legislation on the provincial and municipal governments and not be doing it through the licensee as the licensee has no control over these entities.</p>

Attached to OPG Letter, R. Manley to B. Torrie, "OPG Comments on DIS-13-02, Proposed Amendments to Regulations Made Under the Nuclear Safety and Control Act," CD# N-CORR-00531-07304

#	Document Section/ Excerpt of Section	OPG Issue	Suggested Change (if applicable)	Major Comment/ Request for Clarification	Impact on OPG, if major comment
2.	<p><u>2.2 Inclusion of human performance and fitness for duty requirements in regulations</u></p> <p>“The CNSC is proposing to include a requirement within the <i>General Nuclear Safety and Control Regulations</i> to ensure that licence applicants and licensees address human performance and fitness for duty in a safe and reliable manner, in order to prevent unreasonable risk to the health and safety of persons and the environment.</p> <p>All licensees would be expected to have measures in place to support the performance of workers in carrying on the licensed activities, and to ensure workers are physically, physiologically and psychologically fit to fulfill their duties at the required levels of safety.”</p>	<p>OPG does not support this proposal.</p> <p>In the area of Human Performance all Canadian Licensees have robust Human Performance programs commensurate with the risk for the licensed activity, and additional Regulatory Documents are being considered.</p> <p>The current Regulations provide sufficient authority to CNSC in this area and additional regulation is not required.</p> <p>The Discussion Paper did not provide justification for this addition.</p> <p>There are many important Programs ensuring safe operation of nuclear facilities. The current Act and Regulations give the CNSC authority to enact specific requirements through Licensing and Regulatory Documents. Specific regulations should only be enacted in an area if this authority is insufficient to ensure safety.</p>	<p>No additional regulation is required.</p> <p>If CNSC’s intent is to require mandatory drug and alcohol testing then this specific requirement only should be added.</p>	MAJOR	<p>Since the intent is not clear the impact on OPG cannot yet be estimated. Clearly any new regulation adds burden and should only be undertaken where sufficient authority does not already exist.</p>

Attached to OPG Letter, R. Manley to B. Torrie, "OPG Comments on DIS-13-02, Proposed Amendments to Regulations Made Under the Nuclear Safety and Control Act," CD# N-CORR-00531-07304

#	Document Section/ Excerpt of Section	OPG Issue	Suggested Change (if applicable)	Major Comment/ Request for Clarification	Impact on OPG, if major comment
3.	<p><u>2.3 Inclusion of periodic integrated safety reviews for nuclear power plants</u></p> <p>"The CNSC is proposing to include a requirement, in the Class I Nuclear Facilities Regulations, for all NPPs to carry out mandatory and comprehensive ISRs at least once every ten years. It is expected that licensees will provide a proposed implementation plan to address any safety modifications emanating from the ISR."</p>	<p>OPG feels it is unnecessary to include the periodic intergrated safety review requirement in the Class I Nuclear Facility Regulations as there will be a regulatory document and likely licence condition requiring NPP facilities to perform this activity.</p> <p>The proposed wording is too specific to ISRs and should be made more general. Utilities cannot carry out an ISR every ten years as this would be cost prohibitive and would divert resources from other safety related activities.</p> <p>The periodic safety reviews need to only focus on the changes that have occurred since the previous safety review.</p>	<p>If the CNSC conclude that it is absolutely necessary to include this in the Regulations, then the proposed wording is: <i>"The CNSC is proposing to include a requirement, in the Class I Nuclear Facilities Regulations, for all NPPs to carry out 10 year safety reviews. It is expected that licensees will provide a proposed implementation plan to address any safety modifications emanating from these safety reviews."</i></p>	MAJOR	<p>There is a significant financial impact for OPG to conduct periodically an ISR. This would also divert resources away from other safety activities.</p> <p>OPG supports a review of safety on a periodic basis, This safety review would focus on what has changed since the previous safety review.</p>
4.	<p><u>2.4 Certification of Exposure Device Operators</u></p> <p>"The CNSC is proposing to</p>	<p>OPG supports the initiative of defining a renewal period for EDO certification.</p>	<p>Include both requirements but allow for</p>	MAJOR	<p>This allows for flexibility when working in radiological work areas where workers</p>

Attached to OPG Letter, R. Manley to B. Torrie, "OPG Comments on DIS-13-02, Proposed Amendments to Regulations Made Under the Nuclear Safety and Control Act," CD# N-CORR-00531-07304

#	Document Section/ Excerpt of Section	OPG Issue	Suggested Change (if applicable)	Major Comment/ Request for Clarification	Impact on OPG, if major comment
	<p>amend the <i>Nuclear Substances and Radiation Devices Regulations</i> to require the certification for EDOs to be valid for a specified period of time. This will require EDOs to renew their certification regularly with the interval to be determined through consultation.</p> <p>In addition, all EDOs would be required to have with them their certification credentials when operating a radioactive device, and to present their certification upon request from a CNSC inspector."</p>	<p>OPG supports the initiative of defining a requirement for radiographers to produce their credentials upon request of a CNSC inspector; however, requests that there be flexibility with requiring that radiographers carry their card during operation. At nuclear power plants, radiography is typically performed in Class I facility radiological work areas; therefore radiographers are requested to not carry cards during field operation, but have them available on site.</p>	<p>radiographers to be able to produce certification credentials during an inspection without having to carry the card on the person during field operation.</p> <p>Suggested wording: "In addition, all Exposure Device Operators when operating radioactive devices, as a minimum, shall have a copy of their certification credentials available at the work site or facility."</p>		<p>are limited to the items they bring in to the area when working at Class I facilities.</p>
5.	<p><u>2.5 Licensees to inform first responders of the presence and location of radioactive nuclear substances or prescribed equipment</u> "The CNSC is proposing to amend the <i>Nuclear Substances and Radiation Devices</i></p>	<p>OPG supports the proposal in principle however has the following issues:</p> <p>a. Regarding the definition of local in regard to "local first responders", the Transportation of Dangerous Goods Act defines local</p>	<p>Propose i. The local first responders are defined as those identified in the Site Emergency Plan.</p>	MAJOR	<p>This could become a major information and training burden. Implemented as written, there appears to be little benefit to the local responders to Sites that have their own emergency response organizations in</p>

Attached to OPG Letter, R. Manley to B. Torrie, "OPG Comments on DIS-13-02, Proposed Amendments to Regulations Made Under the Nuclear Safety and Control Act," CD# N-CORR-00531-07304

#	Document Section/ Excerpt of Section	OPG Issue	Suggested Change (if applicable)	Major Comment/ Request for Clarification	Impact on OPG, if major comment
	<p><i>Regulations to require that all licensees in possession of these nuclear substances or devices containing these substances, inform their local first responders of the presence of these materials on their site, including the hazards they could pose to offsite emergency responders."</i></p>	<p>responders as those that form part of the emergency plan. This definition is not clear in the proposal.</p> <p>b. For Facilities that have their own emergency responders for fire and medical with regard to informing local 'first responders', local 'responders' would be follow-on forces/support to the Site response at the licensed facility. They would receive a safety/hazard briefing on arrival and work under direction of the Site emergency responders. Therefore the first responders' radiological safety is maintained by the licensee and first responders do not need this information.</p> <p>c. The revised regulation needs to consider the potential to disclose sensitive information, especially Classified details regarding storage of nuclear material. Detailed inventories may be designated as Classified-SECRET and assurance is required that a</p>	<p>ii. Exempt Facilities with their own emergency response organizations from providing the information to local first responders as they do not have a leading role in mitigating or managing the emergency.</p> <p>iii. With respect to issue c), first responders should be informed using a non-classified summary of inventory.</p>		<p>place.</p> <p>Need to ensure that Reg changes do not impact security regulatory requirements.</p>

Attached to OPG Letter, R. Manley to B. Torrie, "OPG Comments on DIS-13-02, Proposed Amendments to Regulations Made Under the Nuclear Safety and Control Act," CD# N-CORR-00531-07304

#	Document Section/ Excerpt of Section	OPG Issue	Suggested Change (if applicable)	Major Comment/ Request for Clarification	Impact on OPG, if major comment
		non-classified summary would be sufficient.			
6.	<p><u>2.6 Replace Requirement for "quality assurance program" with a Requirement for a "management system"</u></p> <p>"The CNSC is proposing to amend the requirement in the <i>Class I Nuclear Facilities Regulations</i> and the <i>Uranium Mines and Mills Regulations</i> from "quality assurance program" to "management system".</p>	OPG supports this proposal.			
7.	<p><u>2.7 Exemption from Class II radiation safety officer certification requirements for Class I certified personnel</u></p> <p>"The CNSC is therefore proposing to make an amendment to the <i>Class II Nuclear Facilities and Prescribed Equipment Regulations</i>, to ensure that the language used in the section 15.12 "exemption clause" reflects more accurately that Class II certification is not</p>	<p>OPG supports this proposal. However, this change does not address all current industry situations e.g. Chalk River Class II nuclear facilities.</p>	<p>The revised regulations need to include exemption to have an RSO for Class I licensees who also have Class II on the same site on the basis that they have a well developed and implemented management system and</p>		

Attached to OPG Letter, R. Manley to B. Torrie, "OPG Comments on DIS-13-02, Proposed Amendments to Regulations Made Under the Nuclear Safety and Control Act," CD# N-CORR-00531-07304

#	Document Section/ Excerpt of Section	OPG Issue	Suggested Change <i>(if applicable)</i>	Major Comment/ Request for Clarification	Impact on OPG, <i>if major comment</i>
	required if an RSO is appointed in relation to a Class II facility and already possesses Class I certification."		Radiation Protection Program that meets the intent of having an RSO.		
8.	<p><u>2.8 Repeal of obsolete clause regarding radiation safety officer certification</u></p> <p>"The CNSC is proposing to repeal section 15.06 of the <i>Class II Nuclear Facilities and Prescribed Equipment Regulations</i>."</p>	OPG supports this proposal.			
9.	<p><u>2.9 Clarification of nature and scope of "requests for rulings"</u></p> <p>"The CNSC is therefore proposing two amendments to rule 20 of the <i>Canadian Nuclear Safety Commission Rules of Procedure</i>.</p> <p>The first proposed amendment would require that requests for ruling be made in writing and</p>	OPG supports this proposal.			

Attached to OPG Letter, R. Manley to B. Torrie, "OPG Comments on DIS-13-02, Proposed Amendments to Regulations Made Under the Nuclear Safety and Control Act," CD# N-CORR-00531-07304

#	Document Section/ Excerpt of Section	OPG Issue	Suggested Change <i>(if applicable)</i>	Major Comment/ Request for Clarification	Impact on OPG, <i>if major comment</i>
	<p>submitted prior to a hearing. Such requests are to be defined as “preliminary requests for rulings”. It is proposed that section 20 (1) and (2) be modified to indicate that the Commission may entertain preliminary motions/requests before a hearing begins, and may provide its ruling before or after the conclusion of the hearing (with the decision), according to the considerations of fairness.</p> <p>The second proposed amendment is that rule 20(4) be amended to clarify that the Commission may issue a ruling upon a request, when it is fair and expeditious to do so, or may issue its decision at the end of the proceedings, upon consideration of all the evidence.”</p>				
10	<p>2.10 <u>Clarification of concept of “interest in a matter”</u> “The CNSC is therefore</p>	OPG supports this proposal.			

Attached to OPG Letter, R. Manley to B. Torrie, "OPG Comments on DIS-13-02, Proposed Amendments to Regulations Made Under the Nuclear Safety and Control Act," CD# N-CORR-00531-07304

#	Document Section/ Excerpt of Section	OPG Issue	Suggested Change (if applicable)	Major Comment/ Request for Clarification	Impact on OPG, if major comment
	<p>proposing to amend rule 19 of the <i>Canadian Nuclear Safety Commission Rules of Procedure</i>, to qualify the concept of "interest in a matter." It is proposed that in addition to persons who have expertise or information that may aid the Commission in coming to a decision, only interventions from stakeholders with a "direct interest" in a matter would be accepted, or in cases where a proposed project could have a "direct effect/impact" on a person's interest. Should this distinction be made in the <i>Rules of Procedure</i>, the CSNC would develop criteria to clarify and further define what is meant by a "direct" interest or impact, to ensure clarity for both the Commission and stakeholders.</p>				



CAMECO CORPORATION

Corporate Office
2121 - 11th Street West
Saskatoon, Saskatchewan
Canada S7M 1J3

Tel 306.956.6200

Fax 306.956.6201

www.cameco.com

March 21, 2014

VIA EMAIL

Mr. Brian Torrie
Director General
Canadian Nuclear Safety Commission
Regulatory Policy Directorate
PO Box 1046, Station B
280 Slater Street
Ottawa, ON K1P 5S9

Dear Mr. Torrie:

Cameco Response to Discussion Paper DIS-13-02: Proposed Amendments to Regulations Made under the *Nuclear Safety and Control Act*

Further to Discussion Paper DIS-13-02: Proposed Amendments to Regulations made under the *Nuclear Safety and Control Act* (the Discussion Paper), please find comments prepared by Cameco Corporation (Cameco) below.

Introduction

The Discussion Paper sets out several proposed amendments to regulations made under the *Nuclear Safety and Control Act* (the Act) in a general manner. Consequently, Cameco's comments on these proposed amendments are general in nature. Cameco looks forward to providing more detailed comments in the future as the Canadian Nuclear Safety Commission (CNSC) further develops specific amendments to the various regulations at issue in this Discussion Paper.

Before addressing the relevant proposed amendments below, it must be emphasized at the outset that any amendments to regulations under the Act should be tailored and specific to each type of facility licensed by the CNSC. What is a required or good practice at a nuclear power plant may not be necessary or practical at a uranium mine or mill, or fuel processing facility. The potential risk to human health and the environment varies considerably between the different types of facilities licensed by the CNSC.

In addition, the Discussion Paper states that the CNSC is committed to early engagement with stakeholders on regulatory initiatives. However, the Discussion Paper goes on to state that based

on the comments received on this Discussion Paper, the CNSC may prepare regulatory amendments for publication in the *Canada Gazette*, Part I, at which point all stakeholders would have another opportunity for comment. Given the general description of the proposed amendments contained in this Discussion Paper, Cameco is of the view that the CNSC should publish a further discussion paper (or several individual discussion papers as required) on each of these topics, setting out the precise wording of the proposed regulatory amendments for comment, prior to publishing the amendments in the *Canada Gazette*, Part I. Following such a process provides a more comprehensive opportunity for consultation and engagement on the proposed regulations prior to their publication in the *Canada Gazette*, Part I.

2.1 Submission of provincial offsite emergency plans to the CNSC

The CNSC is recommending that regulations be amended to require Class I nuclear facilities to submit their provincial or municipal offsite emergency plans, and evidence supporting how the licensee is meeting the requirements of those plans, to the CNSC as part of a licence application. The benefits of such a requirement, as set out in the Discussion Paper, is that submitting this material would give the CNSC a comprehensive view of emergency preparedness, and would also facilitate dialogue between the CNSC and the provinces or municipalities, leading to the CNSC being better positioned to provide technical advice and support in case of an emergency.

Cameco is concerned about the potential for regulatory overlap and inefficiencies as a result of these proposed amendments. In order for the CNSC to have an understanding of a licensee's emergency preparedness, it is sufficient that the CNSC be provided with copies of a site's emergency response plans. It is unnecessary for the CNSC to go any further and require evidence to support that the licensee is meeting their provincial or municipal regulatory requirements, or approve these emergency response plans.

2.2 Inclusion of human performance and fitness for duty requirements in regulations

The CNSC is proposing to include a requirement in the *General Nuclear Safety and Control Regulations* to ensure that licensees address human performance and fitness for duty. Measures would be required to ensure that workers are physically, physiologically and psychologically fit to fulfill their duties, and to support the performance of workers in carrying out licensed activities.

Cameco is committed to ensuring the safety of our employees and our operations, and places a high priority on minimizing the health and safety risks associated with our business. As outlined in our safety, health, environment and quality policy (SHEQ Policy), Cameco strives to be a leading performer in all aspects of our business through a strong safety culture, environmental leadership, operational excellence and a commitment to preventing injury, ill health, and pollution.

Cameco appreciates the value of risk-informed human performance programs. However, Cameco is concerned that the Discussion Paper does not distinguish between the need for, and requirements of, human performance programs in the aviation and nuclear power plant industry as compared to the mining, milling and fuel processing industries. The Discussion Paper refers to

the “clear guidance” from the International Atomic Energy Agency (IAEA) on requirements related to fitness for duty for licensees and regulators. However, the Discussion Paper does not note that these IAEA requirements are applicable to nuclear power plants and fuel manufacturing plants, but not to mines and mills. If a human performance program is to become a licence requirement for any of Cameco’s operations, then the requirements of the program must be risk-informed and specific to the operation and would thus be best developed by the licensee.

Cameco has an alcohol and substance program (the Program) which applies to all of our Canadian employees and operations as well as our Canadian contractors, and is aimed at ensuring our employees are fit for duty. As was discussed in Cameco’s comments on Discussion Paper DIS-12-03: Fitness for Duty, the Program was implemented after a careful consideration of the relevant policy and legal issues, and Cameco believes it strikes the appropriate balance between ensuring employees are fit for duty, and the respecting our employees’ privacy. Cameco is confident that our current program addresses fitness for duty in a safe and reliable manner, and prevents unreasonable risk to the health and safety of persons and the environment. Therefore, while Cameco would be supportive of a general regulatory requirement to ensure licensees address fitness for duty, the regulations should not set out specific requirements for a program that conflict with any of the provisions of a licensee’s current program.

With respect to both types of programs, Cameco would prefer for there to be a general requirement for both types of programs in the regulations, with the specific requirements of the programs left to be determined by each licensee. However, if the regulations are to contain specific requirements for a human performance or fitness for duty program, then the regulations must distinguish between the types of facilities licensed by the CNSC because the operational needs and safety and environmental risks differ greatly between them.

2.4 Certification of exposure device operators for a period defined by the Commission or designated officer

The CNSC is proposing to require exposure device operators (EDOs) to renew their certification regularly and to carry their certification credentials with them when operating a radioactive device, so they can be present their credentials upon request from a CNSC inspector.

Cameco supports the proposal of a defined renewal period for EDO certification. Cameco also would support a requirement to require EDOs to present their certification credentials to a CNSC inspector; however, EDOs should not be required to carry their credentials on their person at all times. It should be sufficient for these credentials to be available at the work site or facility for inspection.

2.5 Licensees to inform first responders of the presence and location of radioactive nuclear substances or prescribed equipment

The CNSC is proposing to require licensees in possession of radioactive nuclear substances or prescribed equipment to inform their local first responders of the presence of these materials on site, and their associated potential hazards to offsite emergency responders. Cameco’s sites do not contain Category I or Category II substances or equipment, and consequently will not be

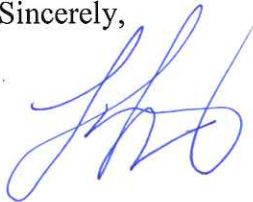
directly affected by this proposed amendment. However, there is the potential for a contractor visiting one of our sites to possess this type of equipment. This poses potential difficulties with a requirement to inform first responders of the presence and location of these substances on our sites. For instance, even though Cameco would not be in possession of the substance or equipment, this has the potential to require our sites to notify first responders of every arrival and departure of a contractor in possession of this type of equipment. If the CNSC goes ahead with this proposed amendment, then Cameco suggests that the requirement's applicability to contractors be specifically addressed in the regulations.

2.6 Replace requirement for “quality assurance program” with a requirement for a “management system”

Cameco supports the CNSC's proposal to amend the requirement in the *Class I Nuclear Facilities and Regulations* and the *Uranium Mines and Mills Regulations* from “quality assurance program” to “management system”.

Cameco would be pleased to respond to any further questions. Please contact the undersigned at (306) 956-6685 or liam_mooney@cameco.com.

Sincerely,



R. Liam Mooney
Vice-President
Safety, Health, Environment, Quality & Regulatory Relations
Cameco Corporation

LH:lp

c: P. Elder, J. LeClair, M. Rinker, UMMD - CNSC
Regulatory Records - Cameco