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Canadian Nuclear Association Comments on the CNSC's Regulatory Document 2.2.4, Fitness for Duty: Managing Worker Fatigue

The Canadian Nuclear Association, along with its members, has reviewed RegDoc-2.2.4, Fitness for Duty, Managing Worker Fatigue, and we have several comments that we would like to provide you for your consideration. The members of the CNA are committed to ensuring safety throughout all aspects of our industry, and being responsible environmental stewards.

This document potentially sets new requirements beyond what has previously been understood as acceptable. It has the potential to pose a significant economic burden on industry and yet there has been no evidence presented in the impact statement that indicates that there is a need for additional controls beyond what are already in place. No discussions were held with licensees in the development of the impact statement, therefore making it very difficult for CNSC staff to properly assess the actual impacts on licensees.

The document assumes a 3-2-2 twelve hour rotating continental shift pattern for all licensees. Not all licensees are on such a schedule; for example some employ a 3-4 12 hour rotating continental shift schedule. As a result those on the alternate 3-4 schedule cannot comply with all of the requirements and guidance contained in this RegDoc. The CNA recommends that the RegDoc be reviewed and changes made that would allow flexibility for alternate work schedules.

While the document contains material that is considered guidance, the wording of the preface reads in a manner that all of the contents of the RegDoc are requirements. We suggest that the preface be reworded such that it is clear that licensees are to review and consider the guidance. The CNA also believes it should not be necessary for licensees to explain how their chosen alternative approach meets regulatory requirements for information that is provided as guidance.



The requirements and guidance in Section 3 of the RegDoc apply to the population of workers who have the potential through their work activities to pose a risk to nuclear safety or security, also referred to as the broad population. The CNA suggests that a statement be added for clarity that “Workers in a refurbishment organization, working on a unit which is shut-down and fully defueled, including the vendor population supporting the refurbishment, are excluded from the broad population. Similarly, workers on a unit which has been shutdown, fully defueled, and is undergoing transition through a safe state towards decommissioning, are not part of the broad population.”

The requirements and guidance in Section 4 apply to a smaller subset of workers who fill safety sensitive positions as described in Section 4.1. The statement “Staffing levels shall be sufficient to ensure that training activities, sickness, vacation or staff turnover do not led to non-compliance with limits on hours of work and recovery periods” does not consider unplanned issues and therefore makes it impossible to be in compliance with, particularly with regard to sickness. We suggest that the wording be revised to “Staffing levels shall be sufficient such that training activities, sickness, vacation or staffing turnover do not lead to non-compliance with limits on hours of work and recovery periods as far as reasonably practicable.” While staffing can be managed to ensure sufficient levels for planned events such as training, vacation and turnover, it is impossible to ensure this for unplanned issues such as sickness.

Also in Section 4.1 there should be some additional information on how certified workers that are on temporary assignments to non-safety sensitive positions are handled. It is suggested to add the following text to this section. “Certified workers that are temporary assignments in positions that are not identified as safety-sensitive may be treated the same as the broad population of workers. When the certified workers are providing relief coverage during their temporary assignment, all Section 4 requirements shall apply. The licensee shall document the treatment of certified staff on temporary assignments in their governing documents. “

Section 4.2 states “Licenses shall ensure that the hours worked do not exceed the following limits.” This will likely lead to numerous non-compliances and the CNA suggests that the wording be revised to “Licensees shall ensure that the hours worked do not exceed the following limits as far as reasonably practicable.”

Also contained in Section 4.2 is the statement “With the exception of shift turnover, all time present at work shall be included when determining compliance with the limits in this section.” However this does not take into consideration rest periods. In certain situations additional staff is brought in with rotating rest periods in order to allow staff sufficient rest to manage fatigue. We suggest that this be reworded to “With the exception of shift turnover and rest periods, all time present at work shall be included when determining compliance with the limits in this section.”



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 black ink, appearing to read 'Peter Poruks', is written over a thin horizontal line.

Dr. Peter Poruks
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Canadian Nuclear Association

Cc.

Dr. John Barrett, President, Canadian Nuclear Association
Mr. Steve Coupland, Director of Environmental Affairs, Canadian Nuclear Association