



July 4, 2013

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

Dear Mr. Dallaire,

Canadian Nuclear Association Comments on Regulatory Document-2.2.2 Personnel Training

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. This REGDOC would apply to all of our licensed members; those who possess Class IA, IB and Class II licenses, along with Uranium mines and mills. As such, the proposed regulations have wide ranging implications within our membership.

CNA staff have reviewed Regulatory Document 2.2.2 [2], and consulted with our membership. We have also consulted with the Candu Owners Group (COG) and met with several of their members in developing a response to the proposed requirements outlined in REGDOC-2.2.2.

Upon reviewing the document, the CNA believes that the proposed new regulatory requirements go beyond current industry practice, and would needlessly increase the burden on our members. In fact, implementing the proposed requirements would result in considerable increases in costs, while not providing any real increase in safety. Existing regulations, such as RD-204 [3], and standards such as CSA N286.5 [4] already provide sufficient regulatory requirements governing personnel training.

Specific major comments on the proposed regulatory changes are provided in Attachment A with this letter. However, given the above, the CNA recommends that the CNSC discontinue the process to create and implement this draft REGDOC. Our membership does not accept that there is a need for this REGDOC. However, should the Commission elect to move forward with this REGDOC, the industry requests that a formal impact analysis be conducted on the 4 items identified in the following Attachment, before the items identified become requirements. Alternatively, we suggest that these items be eliminated from the REGDOC before it is issued.



The CNA thanks you for your consideration of this matter. Should 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', written over a thin horizontal line.

Peter Poruks, Ph. D.
Manager of Regulatory Affairs
Canadian Nuclear Association

Cc.

Heather Kleb, President and CEO (Acting), Canadian Nuclear Association

References

- [1] Canadian Manufacturers and Exporters, 2012, *Nuclear, A Canadian Strategy for Energy, Jobs and Innovation*, 2012 September presentation deck.
- [2] Canadian Nuclear Safety Commission, *Personnel Training*, Regulatory Document 2.2.2, 2013
- [3] Canadian Nuclear Safety Commission, *Certification of Persons Working at Nuclear Power Plants*, Regulatory Document 204, 2008.
- [4] *Canadian Standards Association, Management System Requirements for Nuclear Power Plants*, CSA-N286-05 (R2011).



Attachment A: Detailed Comments on RegDoc-2.2.2, Personnel Training

Major Comment #1 – Substantial Scope Expansion Regarding Positions that Require Application of a Full SAT.

Section Reference: 1.2 Scope (also Section 3 and Glossary entry for safety-sensitive occupations' and 'safety-sensitive positions'.

Issue Discussion: Section 1.2 introduces 'safety-sensitive occupations' and 'safety-sensitive positions'. The intent of these terms is to define the scope of workers this REGDOC applies to. Further in Section 3 the proposed REGDOC clearly states that the list of workers in scope shall be proposed by the licensee and approved by the CNSC through the license process. We agree that this process is appropriate in that the licence application certainly addresses this issue. However, we do not support calling out in this REGDOC specific approvals during the licensing process as this adds no value and potentially adds a parallel process and potential confusion. Of important note is that we find the use of these terms (particularly with the expansive definition given in the proposed Glossary) contradictory to this process and of no value. Rather we request that the terms safety sensitive occupations and/or safety-sensitive positions be eliminated from this REGDOC. In their stead we recommend the scope apply to those positions that directly operate or maintain the plant as these are the positions where the qualification is a significant component of our defence in depth approach to safety.

Current regulations are adequate in the industry's opinion in that they already require a SAT for Certified positions and require that licensee's training shall be systematically developed and implemented so that the required competency is achieved and maintained.

Additionally, current industry standards and CNSC inspection guides provide sufficient aids to the implementation of these regulations. The addition of a new REGDOC with an unclear and expansive scope to safety-sensitive occupations' and 'safety-sensitive positions' as defined in the Glossary of the proposed document could add dozens of positions to the positions currently deemed appropriate for a SAT and is not recommended or valued.

Suggested Change: We request the replacement of Section 1.2 paragraph 1 with the following:

"This regulatory document applies to workers in nuclear facilities who directly operate or maintain the plant during all facility conditions. The licensee shall define these positions in its training system."

Major Comment #2 – Substantial Scope Expansion by adding Abilities & Attitudes Related Requirements.

Section Reference: Section 1. Introduction (also Section: 2 Item 1, 3 Item 4, 5.1.2, 5.1.3, 5.2.1, 5.2.2, 5.3.2, Glossary entry for Continuing Training, Job, Learning & teaching points.)

Issue Discussion: The proposed REGDOC substantially expands regulatory requirements regarding the use of a systematic approach to training (SAT) by requiring (shall) and recommending (may or should) "abilities and attitudes" be added to knowledge & skills attainment expectations throughout all phases of a SAT. This practice is not currently employed by the industry, is not part of current regulatory requirements, adds no measurable safety margin in the industry's opinion, is not practical to implement, and should not be added by this new regulation.

The cost to the industry of this regulatory expansion from current practice is unpredictable but certain to be enormous as abilities & attitudes would now be required to be identified and addressed for hundreds of task that compose dozens of positions that require a full SAT. Further, the value of this activity is doubtful in the opinion of the industry and is certainly unproven. In fact, the industry believes meeting this regulation may not be possible in that the distinction between Skills and Abilities is not discreet enough (even in the academic literature) to facilitate a distinction in our processes. Rather, we submit that sticking with Skills alone, as is current practice, is appropriate. Additionally, there is no precedent for the addition of Attitudes. The industry does not believe the identification or evaluation of Attitudes as proposed in this REGDOC is feasible by the industry. Certainly, some aspects of professionalism and its related attitudes are expected of staff; however this is and can continue to be accomplished without the expansive addition of Attitudes into the SAT process as proposed.

Suggested Change: We request the deletion of all reference to “abilities and attitudes” in the document. We recommend the document limit all phases of a SAT to Knowledge & Skills identification and attainment by staff.

Major Comment #3 – Substantial Regulatory Expansion by Adding sub-tasks and task elements to our documentation of jobs tasks.

Section Reference: Section 3 Item 3.

Issue Discussion: Section 3 Item 3 of the proposed REGDOC requires that a job analysis shall “... determine all the subtasks and task elements involved”. This is not a practice currently done by licensees and represents a substantial increase in regulatory expectations as compared to current Canadian and international practice with, in the opinion of the industry, no expected value. The current practice to identify tasks and task references (which adequately describe the task) has been sufficient for the past ten years and is sufficient internationally. The industry does occasionally document task elements when an adequate reference is not available. However, this is rare and would not meet the regulatory requirements as proposed.

The industry has been implementing a SAT for over ten years. The expectation that a job analysis will “determine all the subtasks and task elements involved” is not a practice currently done. The impact to go back and re-perform all of our job analysis would cost millions of dollars, divert resources from more important work, and, in our opinion, not discernibly improve our programs.

Of additional concern in this Section 3 Item 3 wording is that the term “capability” is introduced in this section along with “job and duty” and adds no value in our opinion. Further its inclusion does raise questions as to what is intended by this additional term’s inclusion.

Suggested Change: We request that Section 3 Item 3 be eliminated from the document which will remove the new regulatory requirement to determine subtasks and task elements during job analysis.

Major Comment #4 – Substantial Regulatory Expansion by Adding a requirement to analyze and document learning characteristics of target audiences.

Section Reference: Section 2 Item 3.

Issue Discussion: The new requirement proposed is that “Training shall be tailored to the needs and the learning characteristics of the target population.”



The industry position is that this needs to be a guiding (should) principle not a “shall” fundamental principle. No requirement to tailor to learning characteristics of audience has existed in prior regulations and compliance is not likely possible since our audiences vary significantly within a single course and from course to course with no time to adjust.

The industry has not found any basis in literature, previous legislation, or international standards for this being a “shall” principle. In fact the industry fails to see how this is a regulatory issue at all. There appears to be no safety impact and compliance would be problematic as this is completely new. Certainly, this is a good practice but making a good practice a guiding principle in the “shall” part of the REGDOC with wide application and compliance expectations is a large new burden with no safety value we can see. Cost impact is enormous and safety value is unproven and unlikely. Specific cost impact has not been evaluated as our industry position is that compliance would not be possible at any cost.

Suggested Change: We request that Section 2 Item 3 be eliminated from the document; this principle should be eliminated from all “shall” aspects of the proposed REG.