

2013 June 27

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:

**AECL's Comments on REGDOC-2.2.3 – Personnel Certification: Radiation Safety Officers**

The purpose of this letter is to provide Atomic Energy of Canada Limited's (AECL) comments on CNSC's proposed regulatory document REGDOC-2.2.3 - Personnel Certification: Radiation Safety Officers [1].

As per CNSC Information Bulletin 13-04, AECL provides the following comments on REGDOC-2.2.3 for your consideration.

AECL has one major comment regarding the scope and exemptions of the proposed regulatory document as follows:

It is noted that the existing Class I Nuclear Facilities Regulations do not require Class I Nuclear Facilities to have a person appointed and certified as a Radiation Safety Officer (RSO). This lack of requirement for an RSO, or equivalent, is further reflected in licences and associated licence condition handbooks, such as those applicable to AECL's Chalk River Laboratories (CRL) [2-3], where there is no specific condition for an RSO. Licensees for complex sites, such as CRL, will have both a well-developed and long established radiation protection program and an N286 compliant management system that ensures a commensurately high level of radiological safety. For all practical considerations of safe operational radiation practices at complex operational sites, it appears completely reasonable for the draft regulatory document to include an exemption from RSO appointment and certification requirements.

Any imposition of requirements for a certified RSO for the Class II Nuclear Facilities at the Chalk River site will significantly increase costs for training and associated maintenance of certification requirements, with no apparent net benefit in radiological safety. Indeed, AECL considers that possibly quite the reverse effect may initially be experienced with confusion arising with respect to the

responsibilities and accountabilities for radiological safety that are well established under the current radiation protection and management system programs.

AECL therefore requests that, in lieu of a possible future revision of the Class II Nuclear Facilities and Prescribed Equipment Regulations, Section 1.3 of the regulatory document be revised to exempt licensees who have both Class I and II Nuclear Facilities at the same location and operating under the same licence, from the requirements to appoint and certify RSOs.

In addition to this significant comment, AECL has collaborated with our colleagues at Bruce Power, Ontario Power Generation and New Brunswick Power to provide an agreed set of comments. These are provided in Attachment A to this letter. AECL considers that revising the REGDOC to address the industry comments and suggested changes will enhance the usability of the document and provide clarity as to the requirements.

AECL looks forward to further interactions with CNSC staff on this regulatory document.

Yours sincerely,



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TA/mj

#### References

- [1] Canadian Nuclear Safety Commission, Administrative Monetary Penalties Regulations, Canadian Gazette, Part 1, Vol. 147. No. 7, 2013 February 16.
- [2] Canadian Nuclear Safety Commission, Nuclear Research and Test Establishment Operating Licence, Chalk River Laboratories, Licence No. NRTEOL 01.00/2016, Expiry Date: 2016 October 31.
- [3] Canadian Nuclear Safety Commission, Licence Conditions Handbook for Chalk River Laboratories, CRL-508760-HBK-001/NRTEOL-LCH-01, Revision 1, 2013 February.

c	C. Carrier (CNSC)	Consultations (CNSC)		
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	>CR CNSC Site Office	>CR Licensing	>SRC	

## Attachment A

**Industry Comments on REGDOC-2.2.3, Personnel Certification: Radiation Safety Officers (BPLP/AECL/OPG)**

#	Document Excerpt of Section	Industry Issue	Suggested Change (if applicable)	Major Comment/ Request for Clarification	Impact on Industry, if major comment
1.	<b>Glossary</b>	Several terms are used that need a definition to cause consistent use and interpretation.	Add a Glossary to the document		
2.	<b>Document title</b>	There are other RSO roles, not associated with Class II facility – avoid confusion.	Change title to: Personnel Certification: Radiation Safety Officers, Class II Nuclear Facilities		

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3.	<b>1.3 Exemption from Certification</b>	<p>The document provides an exemption to Class II Nuclear Facilities (NF) for those RSOs who are already certified under Class-I NF Regulations. However, it is not clear if an exemption exists for Class II NF for those RSOs who are already certified under section 15.01 to 15.06 of the Class II NF and Prescribed Equipment Regulations.</p> <p>Please clarify exemption status for RSOs at Class II NF who are currently certified under section 15.01 of the Class II NF &amp; Prescribed Equipment Regulations.</p> <p>Please clarify what is meant by RSO equivalent.</p> <p>Please clarify what is meant by "Exempt ". Does it mean certification without examination, or is certification not required?</p>		Request for Clarifications	
4.	<b>Section 2 point 2</b>	Managing is not defined in the document and has a different meaning to the industry than implied.	Replace "managing" with "oversight of"		

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5.	<b>Section 2</b>	Missing responsibility for interpretation of regulations, policies and procedures.	Add point 11 "Interpreting the regulations, policies and procedures applicable to radiation protection and for providing programmatic approvals where required."		
6.	<b>2.1 Responsibility of Radiation Safety Officer</b>  <b>First Para.</b> <b>Second sentence</b>	" .. An RSO may delegate some responsibilities or tasks to an assistant with appropriate qualifications to carry out designated duties; however, the oversight of <u>the radiation safety program</u> remains with certified RSO."	An RSO may delegate some responsibilities or tasks to an assistant with appropriate qualifications to carry out designated duties; however, the oversight of <u>radiation safety</u> remains with certified RSO ."  Otherwise, for a large corporation this would not be an accountability of RSO.	Request for Clarifications	
7.	<b>Section 3.3</b>	This entire section has no relevance to the certification of an RSO.	If there is a need to convey to information on regulation interpretation include as an appendix.		
8.	<b>Section 3.3</b>	Applicable if section is added as an appendix. Referenced 15.04(b) but not referenced in section 1.4	Add to section 1.4		

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9.	<b>3.3 &amp; 3.3.1</b>  <b>Physical Presence of RSOs &amp; Offsite facilities and close proximity locations</b>	Not sure what contact CNSC means? Or is it acceptable to notify CNSC in writing of such situations? Please clarify "contact CNSC", is it in writing? Phone call adequate? What is the time frame? Is pre-acceptance required?		Request for Clarifications	
10.	<b>Section 4.3 Exam</b>	No standard provided for conduct of the oral examination or exam preparation standard.	Add section to detail, reference another standard or add details to appendix.		
11.	<b>Section 4.3 Timelines</b>	No timelines provided for notice or request for examination. With respect to application.	Add process to request examination or timeline on when/how examination follows application.		

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12.	<b>Section 4.3 Exam content</b>	The first two bullets of the exams content conflict /are not as descriptive as Appendix A.	Replace first two bullets with the five points notes in Appendix A: -relevant provisions of the NSCA and its ensuing regulations -principles of radiation safety -radiation physics -operational activities and facilities which are to be licensed by the CNSC -Radiation Protection Program of the facility		
13.	<b>Section 4.3 General</b>	Flow has gaps and timeline is unclear	Provide flow chart of process, indicating times between steps (min and max) and references to applicable section in the RegDoc.		
14.	<b>Section 4.3.1.2 reference</b>	Referenced 15.07 but not referenced in section 1.4	Reference in section 1.4		
15.	<b>Section 4.3.1.2</b>	Lack of remedial process	Provide a remedial process to close a knowledge gap found in a narrow area similar to the process available for the Certified HP (RD 204).		



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16.	<b>Section 4.3.1.2</b>	Needs to be clarity on re-application or other means to be re-examined at a later date.	Provide details on re-application / re-examination at a later date.		
17.	<b>Section 4.3.1.2.1</b>	No indication as to when a candidate can re-apply.	Provide language to support when a candidate can re-apply.		
18.	<b>Section 4.3.2</b>	Point 3 – “the RSO is otherwise incapable of performing duties” is covered by section 4.3.3.	Remove point 3.		
19.	<b>Section 4.3.2</b>	Reason or basis not documented.	Add sentence: Basis for revocation will be documented to make clear what is required for re-application in section 4.3.2.1.		
20.	<b>Section 4.3.2 last paragraph</b>	“If for any reason, a certified RSO is decertified by the CNSC, that person must wait three years before being eligible for certification again.” Does not belong and contradicts direction provided elsewhere in the document.	Remove sentence from 4.3.2. Rewrite and include in section 4.3.2.1 to specify wait period and limits and the basis/issue that needs to be dispositioned before may re-apply.	Major Comment	This action could lead to prolonged shutdown of a Class II Facility.
21.	<b>Section 4.3.2.1</b>	Title change	Change title to “Certification Following Revocation.”		

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22.	Section 4.3.2.1	Lack of clarity in what is required: "request to be certified again"	Replace with: A person who has their certificate revoked may re-apply again if: 1 – the basis for revocation is no longer applicable 2 – the person successfully .....		
23.	Section 4.3.3	Referenced in 15.05 but not referenced in section 1.4.	Reference in section 1.4.		
24.	Section 4.3.3	Missing scenario	Add to scenarios – being incapable of performing duties from section 4.3.2.		
25.	Section 4.3.3	Documentation of basis for Invalidation	Add a paragraph requiring the documentation of the basis for invalidation and the requirements to correct this basis for section 4.3.3.1.		

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26.	<b>Section 4.3.3-4</b>	<p>1. "The person has been away from RSO duties for an extended period of time, as described in section 4.5.2." - The referenced section 4.5.2 does not exist, should likely be 4.4. - Invalidation is an inappropriate characterization for this scenario.</p> <p>2. Tracking of certificate status can be confusing or difficult to manage. There should be formal correspondence between the CNSC and the licensee to document certificate status. For example, If a certificate is invalid for the reasons listed in this section, then the CNSC should notify the licensee via letter/email rather than leaving the certificate status open ended.</p>	<p>1. Change reference from 4.5.2 to 4.4</p> <p>2. Clarify how certificate status changes will be managed by the CNSC and how these changes will be communicated to licensees.</p>		
27.	<b>Section 4.3.3.1</b>	Title does not match 4.3.3.	Re-title to match language in 4.3.3 "Recertification Following Invalidation".		

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28.	Section 4.3.3.1	Unclear and open ended	Add the following sentence at the end of last paragraph section 4.3.3.1, "Documented and agreed to by the Licensee at the time of invalidation."		
29.	Section 4.3.5	Process timelines confusing	As previously noted, suggest the creation of a flow chart to illustrate the timeline.		
30.	Section 4.4.3	Referenced 15.1 but not referenced in section 1.4 Referenced 15.11 but not referenced in section 1.4	Add Regulatory references to section 1.4.		
31.	Section 4.4.3	Qualified basis	Define qualified as being eligible and meeting the requirement to be a successful applicant for certification.		
32.	Section 4.4.3	365 days?	Should state the 365 days is a rolling 365 day period.		

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33.	<p><b>Section 5.1 Applicant Information</b></p> <p><b>A.3 Licensee Info Proof of Legal Status</b></p>	<p>In the case of a corporation applying for certification of a potential RSO the draft REGDOC requires submission of an “official corporation profile report “. The information in this report includes , but is not necessarily limited to corporation’s legal name, corp. #, date of incorporation, and registered office address. When a licensee applies for the renewal of a PROL , similar corporate information is provided, but not to the extent as required by draft REGDOC2.2.3. For example; an “official corporation profile” is not required by any of the applicable regulations, nor is it provided. Information such as the applicant’s business name, address, corp.#, and evidence that applicant is the owner of the site are typical items that are provided.</p>	<p>For corporations that are already licensed to operate Class I Nuclear Facilities, it is recommended that requirement to provide “official corporation profile report” be removed, and the information required to be submitted in this regards to be aligned to that which is required for applications pertaining to the aforementioned Class I Nuclear Facilities. This requirement is better required for initial Class II licence applications only.</p>	Request for Clarifications	
34.	<b>Appendix A (page 11)</b>	The list of topics on page 11 does not align with section 4.3.	Align the lists found in 4.3 with Appendix A, page 11.		

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35.	<b>Appendix A</b>	Second to last paragraph implies one refusal will result in no further opportunities. Needs to align with section 4.3.1.2.1.	Add clarification wording that RSO needs remedial training for new facility or option of replacement candidate.		
36.	<b>Appendix B.2</b>	Missing same language as found in B.1.	Add to first sentence "reviewed on a case-by-case basis".		