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- Proprietary -

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Subject: **Candu Energy Inc. Comments on Draft REGDOC-3.1.3**

To Whom It May Concern:

Please find attached Candu Energy Inc. comments on the draft REGDOC-3.1.3, *Reporting Requirements for Waste Nuclear Substance Licensees, Class II Nuclear Facilities and Users of Prescribed Equipment, Nuclear Substances and Radiation Devices* [1], which are due by February 15, 2019.

If you have any questions, please do not hesitate to contact me.

Sincerely,

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References:

- [1] Draft REGDOC-3.1.3, *Reporting Requirements for Waste Nuclear Substance Licensees, Class II Nuclear Facilities and Users of Prescribed Equipment, Nuclear Substances and Radiation Devices*, January 2019.

Attachment:

- A. Candu Energy Inc. Comments on Draft REGDOC-3.1.3



Attachment A

Candu Energy Inc. Comments on Draft REGDOC-3.1.3

	REGDOC-3.1.3 Section	Candu Energy Inc. Comment
1	1.3 Relevant Legislation (PTNSR bullet)	It appears that Section 35 <i>Dangerous Occurrences</i> of the <i>Packaging and Transport of Nuclear Substances Regulations, 2015</i> is missing from the bulleted list.
2	2. Reporting Requirements Guidance Section, Paragraph #13	This paragraph discusses that in some instances, preliminary reports may contain the information of full reports. It is not clear if this is meant to say that the preliminary reports are in actual fact notifications only, therefore, clarification is required.
3	3.1 Preliminary reports and immediate notifications	Notification is not a term that is used in any of the CNSC Regulations. Is there a plan to update CNSC Regulations to include this term? As the term “notification” is not in the Regulations, does it have the force of law?
4	3.1 Preliminary reports and immediate notifications Item 4	The <i>General Nuclear Safety and Control Regulations</i> , Section 29(1) state: Every licensee who becomes aware of any of the following situations shall immediately make a preliminary report to the Commission of the location and circumstances of the situation and of any action that the licensee has taken or proposes to take with respect to it: This section in REGDOC-3.1.3 includes an additional item #4 related to “confirmation that any workers who were exposed to radiation as a consequence of the situation have stopped any work that is likely to add to the dose of the worker (this includes any work outside of the situation, event or dangerous occurrence that has the potential to add to the dose of the worker)”. Is there a plan to update GNSCR in order for it to align with REGDOC-3.1.3?
5	3.1 Preliminary reports and immediate notifications Guidance Section, Paragraph #1	This paragraph seems to contradict the information in Section 2, Guidance Section, Paragraph #13 (see Comment #2), therefore, clarification is required. Information conveyed in Paragraph #13 allows a preliminary report to contain the information of the full report, however, Paragraph #1 of Guidance Section 3.1 states that a full report should always follow the preliminary report.
6	3.3 Action level reports	It appears that the guidance section is missing, and should be added.
7	3.4 Specific reports under the PTNSR, 2015	It appears that the guidance section is missing, and should be added.
8	4 Annual Compliance Report (ACR) Item 3	Do licensees need to follow their LCH as opposed to this REGDOC for the ACR? Is the intent to add Item 3 to the licensee’s LCH?

9	4 Annual Compliance Report (ACR) Guidance Section Paragraph 3	Currently, this REGDOC is not be enforced on WNSL licensees. Is the intention that after a roll-out period the framework of Appendix B will be noted in the licensee's LCH and will become an obligatory requirement?
10	Appendix A: Reports, Notifications and Timing Page 11 No. A.1 2 nd column	With respect to NSCA Section 27 (b) (ii) <i>Every licensee and every prescribed person shall ...</i> <i>(b) make the prescribed reports and file them in the prescribed manner, including a report on</i> <i>(ii) any contravention of this Act in relation to an activity that is authorized by this Act and any measure that has been taken in respect of the contravention."</i> Is the requirement that every licensee shall report on the contravention of the Act by another person's illegal activity? For example, does a licensee have a duty to report that another non-licensuree was performing work without a valid CNSC licence (for work that a valid CNSC licence is actually required)?
11	Appendix A: Reports, Notifications and Timing Page 16 No. 6 a) 4 th and 5 th columns	The "Preliminary event reports" column has text of reporting within 21 days. Since the regulations have no wording regarding a preliminary report for inaccurate or incomplete records, the text in the 4 th column should be in the 5 th column (replacing "21 days (if required)") and there should be no text in the 4 th column. The <i>General Nuclear Safety and Control Regulations</i> state to file a report within 21 days and have no wording about Preliminary Reports; therefore, there is only a final or full report so it is inaccurate to show the requirement of issuing a Preliminary Report.
12	Appendix A: Reports, Notifications and Timing Page 16/17 No. 6 a) Guidance Section 2 nd column	The guidance states "changes in operational policies and procedures in radiation safety manuals" and "any changes in their radiation safety manual", as instances of inaccurate or incomplete records. It is not clear why a change to such a manual or procedure would be considered an event requiring a 21 day full report. The manuals currently produced are sent to the CNSC for acceptance as part of the review process, so it is not apparent why reports about the changes would be necessary. If the nature of this statement is to say that if there were inaccuracies or incompleteness found within the manual or operational procedures which precipitated changes to those documents, then that would match the expectations of the regulations.
13	Appendix A: Reports, Notifications and Timing Page 33 No. 14 b) 3 rd , 4 th and 5 th columns	The "Timing" columns are all blank providing no direction on the intent of this reporting.

<p>14</p>	<p>Appendix A: Reports, Notifications and Timing Page 47 No. 22 f) 2nd column</p>	<p>Firstly, no guidance section is provided for No. 22 f). Secondly, the limits pointed out in 22f) regarding loose contamination found on a package, e.g. 4 Bq/cm² for beta and gamma emitter.... This is a low value of contamination discovered. Is there a clear reasoning / justification for why such a value is used versus the “Prescribed Limit” defined in the <i>General Nuclear Safety and Control Regulations</i> of doses expected to exceed 1 mSv / year above background doses? See for instance REGDOC-3.1.3 Page 29, No 12c) reporting requirements on “Every Person”.</p> <p>Is there a fundamentally different reason that contamination levels higher than those used herein for transportation events are acceptable in places, vehicles or the environment, when considered not part of PTNSR?</p> <p>In other words during a transportation event, if contamination is found to be 5 Bq/cm², this is reportable; however, if a person discovers 50 Bq/cm² of removable contamination in a public place (park bench) it is not reportable because the total activity present there is not expected to give anyone higher than 1 mSv/year. Should these two sets of limits not be standardized / harmonized in order to match the risks they represent?</p>
<p>15</p>	<p>Appendix A: Reports, Notifications and Timing Page 47/48 No. 22 g) Guidance Section 2nd column</p>	<p>The guidance provided states “An incorrect/incomplete label, placard or shipping document is not considered a dangerous occurrence; it will not lead to a situation in which ... health and safety of persons ... is adversely affected...” and later on states “Transporting nuclear substances without any shipping document could affect the health and safety of persons...”.</p> <p>This guidance suggests, as written, that a well labelled, placarded vehicle with no documents is less safe / reportable whereas a completely erroneously labeled vehicle with proper shipping documentation is more safe. This seems like a contradictory perspective. If the shipping documentation and labels, placards do not match how does any person involved in discovering this (as opposed to the Consignor that prepared and knows the contents well) know how to treat the package? Should they assume the documentation is true or the labels if one suggests the content is more hazardous than the other should the person treat it as more hazardous to ensure their safety? If that is the expected practice then would not having a lack of shipping documents simply result in treating the package as more hazardous but likely labelled correctly?</p>
<p>16</p>	<p>Appendix B: Sample Structure and Content for an Annual Compliance Monitoring Report for Waste Nuclear Substance Licensees Page 53 Title</p>	<p>Usually these reports are called Annual Compliance Reports rather than Annual Compliance Monitoring Reports. Furthermore, the Table of Contents of REGDOC-3.1.3 refers to it as the Annual Compliance Report. Recommend the wording be made consistent by deleting the word “Monitoring”.</p>

17	<p>Appendix B: Sample Structure and Content for an Annual Compliance Monitoring Report for Waste Nuclear Substance Licensees Page 53 4th paragraph</p>	<p>The framework shown for the reports is stated to be “solely as a guideline”. Is it the intention to eventually roll-out this REGDOC and then alter LCH’s of WNSL Licensees and state the REGDOC is becoming obligatory, such that by some future date this framework will be the required format? Also, will the framework be phased in so as to give time to licensees to incorporate the additional workload of generating more detailed reports, as the framework is considerably different from the details requested within the current LCH’s.</p>
18	<p>Appendix B: Sample Structure and Content for an Annual Compliance Monitoring Report for Waste Nuclear Substance Licensees Page 53 Table of Contents</p>	<p>The “Table of contents” shown for the Annual Compliance Report has 13 Safety and Control Areas (SCAs). This document shows there is one more defined: “Safety analysis” (see page 63 of the REGDOC). Was this SCA missed and should it be shown in the framework?</p>