

# **Welcome Package: Applicant Authority**

Nuclear Substances and Radiation Devices Licences

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December 2020

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Cat. No. CC172-229/2020E-PDF

ISBN 978-0-660-36697-5

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*Également publié en français sous le titre : Trousse de bienvenue : mandataire du demandeur*

**Document availability**

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**Publishing history**

[December 2020]

Version 1.0

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## Welcome Package: Applicant Authority

### 1. Introduction

#### 1.1 Purpose

The purpose of this package is to help Applicant Authorities of nuclear substances and radiation devices licences understand and be effective in their role.

#### 1.2 Scope

This package outlines the role and typical responsibilities of an Applicant Authority as well as outlines the main obligations of a licensee that the Applicant Authority needs to know.

### 2. Role of an Applicant Authority

The Applicant Authority is a duly authorized representative of the applicant or licensee who is ultimately accountable for the licensed activities in accordance with the [Nuclear Safety and Control Act](#) (NSCA), its associated regulations and the licence.

### 3. Responsibilities of an Applicant Authority

The main responsibilities of an Applicant Authority are:

- Fostering a healthy safety culture
- Appointing a Radiation Safety Officer (RSO) and/or an Alternate Radiation Safety Officer
- Appointing representatives of the applicant or licensee
- Directing resources
- Monitoring performance of licensed activities

The following sections describe these responsibilities and provide guidance on how to effectively achieve them.

#### 3.1 Fostering a Healthy Safety Culture

The CNSC defines safety culture as the characteristics of the work environment, such as the values, rules and common understandings that influence workers' perceptions and attitudes about the importance that the organization places on safety.

A healthy safety culture is a key factor in reducing the likelihood of safety-related events, mitigating their potential impact and continually improving safety performance. All workers, from the Applicant Authority and downwards, have a shared responsibility to ensure safety is a priority.

The Applicant Authority can help foster a healthy safety culture by structuring the organization with safety as the overriding priority and leading by example with their behavior and direction. For more information on fostering a healthy safety culture, refer to [REGDOC 2.1.2, Safety Culture](#).

#### 3.2 Appointing a Radiation Safety Officer

The RSO is responsible for the management and control of the licensed activities and is authorized to act for the applicant or licensee. They are the safety champion for the licensed activities and

ensure on a day-to-day basis that these licensed activities are performed in accordance with CNSC requirements. Responsibilities of an RSO typically include:

- Ensuring the health and safety of personnel, the public and the environment
- Overseeing the daily aspects of the radiation safety program
- Acting as the primary contact with the CNSC for licensing and compliance matters
- Identifying radiation safety problems
- Providing radiation safety advice to workers when requested
- Implementing corrective actions
- Verifying the implementation and effectiveness of the corrective actions
- Ensuring compliance with the CNSC regulatory requirements
- Reporting regulatory non-compliances to the CNSC
- Holding the authority to stop any unsafe work practices and any activity that might result in non-compliance
- Developing procedures and policies related to radiation safety and training
- Assessing the performance of the radiation protection program (RPP) and sharing the results with the applicant authority
- Acting as the signing authority for CNSC licences

It is the Applicant Authority's responsibility to appoint a RSO. It is imperative the Applicant Authority selects a candidate who have adequate knowledge of the licensed activity, regulatory requirements and CNSC expectations.

<b>Qualification</b>	<b>Description</b>
Education	<ul style="list-style-type: none"> <li>• Science, Engineering Degree or education related to the licensed activity and supplemented with RSO training</li> </ul>
Experience	<ul style="list-style-type: none"> <li>• Experience working with a similar licensed activity</li> </ul>
Knowledge	<ul style="list-style-type: none"> <li>• Relevant provisions of the NSCA and its ensuing regulations</li> <li>• Principles of radiation safety</li> <li>• Basic understanding of radiation physics</li> <li>• Operational activities which are to be licensed by the CNSC</li> <li>• Licensee's Radiation Protection Program</li> </ul>
Behavioural Attributes	<ul style="list-style-type: none"> <li>• Approachable</li> <li>• Active listener</li> <li>• Team player</li> <li>• Respectful</li> <li>• Confident in making and enforcing decisions</li> <li>• Excellent written and verbal communication skills</li> </ul>

Although education and knowledge are very important to the position, it has been the CNSC's experience that in order to be an effective RSO; the behavioural attributes are just as important to the

position. In addition, it is essential for the Applicant Authority to allocate the RSO sufficient time to perform RSO duties that is commensurate with the complexity and scope of licensed activities.

In order to appoint a RSO, the Applicant Authority must complete and submit the appropriate form relevant to the licence use type [Request to Appoint a Radiation Safety Officer or an Alternate Radiation Safety Officer: Nuclear Substances and Radiation Devices Licence](#) or [Request to Appoint a Radiation Safety Officer or an Alternate Radiation Safety Officer: Low-Risk Use Types Only](#)

According to paragraph, 15(a) of the [General Nuclear Safety and Control Regulations](#) (GNSCR), every applicant and licensee must notify the Commission of the persons who have authority to act for them in their dealings with the Commission; this individual is normally the RSO. This may include licence applications and amendments, reporting to the Commission or responding to notices of non-compliances. The Commission must be notified of any changes to the RSO, Alternate RSO or the Applicant Authority within 15 days of any change to the information provided in the form in accordance with paragraph 15(c) of GNSCR.

On the form, the Applicant Authority declares themselves as a representative and authorizes the RSO and alternative representatives to act on behalf of the licensee or applicant.

It is important to note that all statements and representations made by the representatives are binding on the licensee or applicant and that it is an offence, pursuant to paragraph 48(d) of the NSCA, to knowingly make a false or misleading written or oral statement to the Commission or designated officer.

### **3.3 Directing Resources**

It is the Applicant Authority's responsibility to ensure resources are present to conduct licensed activities safely, securely and in accordance with the NSCA, the regulations and the licence. The following sections describe the type of resources that are typically required for licensed activities.

#### **3.3.1 Equipment**

Pursuant to paragraph 12(1)(d) of the GNSCR, every licensee must provide the devices required by the NSCA, the regulations and the licence and maintain them within manufacturer's specifications. These devices include equipment resources required for radiation safety, security and monitoring releases as discussed in the following sections.

##### **3.3.1.1 Radiation Safety Program**

Additional equipment is required for the radiation safety program based on the type of licensed activities conducted. Examples of radiation safety equipment are:

- Dosimeters (extremity and whole body)
- Radiation detection instrumentation (survey and contamination meters)
- Personal protective equipment (gloves, lab coats, safety glasses etc.)

##### **3.3.1.2 Security**

Pursuant to paragraphs 12(1)(g) and (h) of the GNSCR, the licensee must implement measures for alerting the licensee to the illegal use or removal of a nuclear substance, prescribed equipment or prescribed information, or the illegal use of a nuclear facility as well as for alerting the licensee to acts of sabotage or attempted sabotage anywhere at the site of the licensed activity. Additionally, if the licensee uses or stores sealed sources, they must also comply with REGDOC 2.12.3: [Security of Nuclear Substances: Sealed Sources and Category I, II and III Nuclear Material](#).

In order to comply with these requirements, the Applicant Authority must ensure the proper security equipment is installed and maintained. Security equipment typically includes access controls, an intrusion detection system and physical barriers.

### **3.3.1.3 Monitoring and Controlling Releases**

According to paragraph *12(1)(f)* of the GNSCR, every licensee must take all reasonable precautions to control the release of radioactive nuclear substances or hazardous substances within the site of the licensed activity and into the environment as a result of the licensed activity. Therefore, the equipment required to monitor and control any potential releases within or from the licensed location(s) must be acquired and maintained.

### **3.3.2 Qualified Workers**

According to paragraph *12(1)(a)* of the GNSCR, every licensee must ensure the presence of a sufficient number of qualified workers to carry on the licensed activity safely and in accordance with regulatory requirements. It is the Applicant Authority's responsibility to ensure the number of qualified workers is proportionate to the scope and complexity of their licensed activities.

### **3.3.3 Training**

Pursuant to paragraph *12(1)(a)(e)(j)* of the GNSCR, every licensee must:

- Train their workers to carry on the licensed activity in accordance with the NSCA, the regulations and the licence,
- Require that every person at the site of the licensed activity use equipment, devices, clothing and procedures in accordance with the NSCA, the regulations and the licence, and
- Instruct the workers on the physical security program at the site of the licensed activity and on their obligations under that program.

The Applicant Authority must ensure the RSO has sufficient resources to train every worker on all areas required for their position.

### **3.3.4 Financial Guarantee**

A financial guarantee is a tangible commitment by a licensee that there will be sufficient resources to safely terminate licensed activities authorized by a Nuclear Substances and Radiation Devices licence. A financial guarantee does not relieve licensees from complying with regulatory requirements for termination of licensed activities, but ensures there are funds available if licensees are unable to carry out safe termination.

The Applicant Authority must ensure the licensee has a financial guarantee in place at all times. The financial guarantee is calculated according to the liability of each sealed source possessed based on activity and the liability of each radiation devices. For more information, please refer to [financial guarantees](#) Web page.

### **3.3.5 Performance Monitoring**

In order for the Applicant Authority to be accountable for the licensed activities, the Applicant Authority needs to be aware of how the licensee is performing from a safety and security perspective to ensure any major issues are addressed. The following sections outline the core of effective performance monitoring.

### 3.3.5.1 Relationship with the Radiation Safety Officer

In order for the Applicant Authority to maintain awareness of the licensee's performance and to direct resources where they are required, the Applicant Authority must effectively and regularly communicate with the RSO. A good communication tool used by some licensees is having the RSO provide the Applicant Authority with status reports summarizing licensed activities conducted, their safety performance and issues that require addressing. Furthermore, the Applicant Authority needs to support the RSO by eliminating any barriers preventing the RSO from fixing major issues. Moreover, the Applicant Authority needs to empower the RSO to be a champion for safety and to have the authority to direct workers in performing their work safely, even if it means stopping any licensed activity.

### 3.3.5.2 Management control of the Radiation Protection Program

A document is being developed for the purpose of providing guidance to applicants and licensees in developing, implementing, managing and assessing a Radiation Protection Program titled *Radiation Protection Programs for Nuclear Substances and Radiation Devices Licences* (REGDOC-1.6.2).

## 4. Position of an Applicant Authority

The Applicant Authority needs to be in a position with authority to direct the financial and human resources as outlined in section 3.3 [Directing Resources](#). The Applicant Authority is typically a senior manager such as a Director or Officer of the corporation due to the level of authority inherent to those positions.

## 5. Licensee's Obligations

In order for the Applicant Authority to be accountable for licensed activities, they need to know the obligations of a licensee.

Firstly, the licensee must comply with the NSCA and all its related regulations. The NSCA sets out the CNSC's mandate, responsibilities and powers to regulate the use of nuclear energy and materials in Canada. Regulations are an extension of the NSCA which outline requirements for all types of licence applications and obligations as well as provide exemptions for licensing.

Secondly, there are several obligations of licensees within section 12 (1) of the GNSCR. In addition to the obligations previously described in this document, a licensee must:

- Take all reasonable precautions to protect the environment and the health and safety of persons and to maintain the security of nuclear facilities and of nuclear substances.
- Take all necessary measures to facilitate Canada's compliance with any applicable safeguards agreement.
- Keep a copy of the Act and the regulations that apply to the licensed activity readily available for consultation by the workers.

Furthermore, it is an obligation under section 16 of [Nuclear Substances and Radiation Devices Regulations](#), that no licensee shall use a radioactive nuclear substance or a radiation device on a person except as directed by a medical practitioner who is qualified to give such direction under the applicable provincial legislation.

When a person is taking on the role of an Applicant Authority, they must attest to their knowledge and agreement of these obligations within the [Applicant Authority form](#). In conclusion, it is important these obligations are well understood and are not taken lightly.

If you have any questions about Applicant Authorities, please contact us at [cnscl.licence-permis.ccsn@canada.ca](mailto:cnscl.licence-permis.ccsn@canada.ca).