

**Detailed Comments Table for REGDOC-3.2.1, Public Information and Disclosure**

Public consultation period: August 16, 2017 to September 28, 2017    Number of respondents: 9    Number of comments received: 41

**Note:** Several comments suggest changes that are beyond the scope of this version of REGDOC-3.2.1. With the exception of clarifying the applicability of the document to Class II facilities and the new requirement to post PSA and ERAs, REGDOC-3.2.1 is a re-publication of RD/GD 99.3. The CNSC is not considering further substantive revisions to the document at this time. However, the comments received during this round of consultation will be considered in the development of version 2, which is expected in early 2019. REGDOC-3.2.1 will then go through a thorough review and CNSC will conduct a full public consultation.

#	Reviewer	Section	Comment and/or suggested change	CNSC Staff Response
1.	Environmental Law Association (CELA), Greenpeace Canada and Northwatch	General	We also encourage the CNSC to host more stakeholder workshops (such as the upcoming workshop on RegDoc 2.13.1, Safeguards and Nuclear Material Accountancy) and adopt a process where each comment opportunity or consultation is commenced with stakeholder engagement workshops with in person, webinar and teleconference options.	Not all document projects will warrant stakeholder workshops; they typically occur upon request. The CNSC will continue to provide workshops for items of high interest or complexity.  Workshops are becoming more common. The decision to hold them is made on a case by case basis.
2.	Canadian Nuclear Laboratories (CNL), Bruce Power, Ontario Power Generation (OPG), New Brunswick (NB) Power	General - Title	[We] recognize the CNSC has added "Public and Aboriginal engagement" to the title of this document to identify it as one element in its series of regulatory documents on this subject.  While appropriate, there is a potential for confusion and inconsistencies since requirements for Aboriginal interfaces are also detailed in REGDOC-3.2.2: Aboriginal Engagement.  Suggested change:  Recognizing that potential confusion exists whenever requirements on a single subject are listed in more than one Regulatory Document, CNL encourages the CNSC to thoroughly map REGDOC-3.2.1 against REGDOC 3.2.2 to ensure requirements align and are not duplicated.  - Request for Clarification	A mapping exercise will take place when updating version 2 of the REGDOC, which is presently in analysis.  'Public and Aboriginal engagement' is the title of the series for all documents in the regulatory structure categorized under the 3.2 series (including 3.2.1 and 3.2.2). Cover page convention includes the series name although the series does not make up the title of the document when referenced in the Licence Condition Handbook (LCH) or other regulatory documents, so there should not be any confusion.
3.	CELA, Greenpeace Canada and Northwatch	General	To be an effective tool for oversight, engagement and public awareness, we encourage the CNSC to recognize the utility of disclosure and its importance to democratic processes and public action. As enunciated by the Supreme Court of Canada in <i>Dagg v Canada</i> , "the overarching purpose of access to information legislation is to facilitate democracy by helping to ensure that citizens have the information required to participate meaningfully in the democratic process and that politicians and bureaucrats remain accountable to the citizenry."	Comment noted.  The CNSC understands the importance of disclosure and is transparent in its regulation of Canada's nuclear industry.

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4.	CELA, Greenpeace Canada and Northwatch	1.Preface	<p>▪ <b>The Preface should reference the entirety of section 9 of the <i>Nuclear Safety and Control Act (NSCA)</i>.</b> The existing text in the preface only references subsection 9(b), which outlines the objects of the Commission as it relates to the dissemination of information. We submit that subsection 9(a) is also relevant to REGDOC-3.2.1 and should be expressly mentioned in the text.</p>	<p>Comment noted, noted. However, the objects of the Commission described in paragraph 9 a) apply to all documents. The objective relevant to this document is in 9b) , the dissemination of information.</p>
5.	CELA, Greenpeace Canada and Northwatch	General	<p>As previously discussed, CELA, Greenpeace and Northwatch object to a proponent-led disclosure process where, on the guidance of the CNSC, each licensee within the scope of REGDOC-3.2.1 devises a public information program. Instead, we recommend that the CNSC provide a 'one stop' location for all data, which moves beyond the cursory information envisioned in REGDOC-3.2.1 and instead requires the public release of detailed reports, data and analysis as it relates to existing licenses, their approvals and ongoing compliance actions.</p> <p>Having an online repository of information in a consolidated location would greatly assist the CNSC during public hearings. Lack of public openness not only detracts from the level of meaningful public engagement during the hearing, but needlessly redirects the participant's efforts to the act of information collection. Additionally, there have been instances where we have sought a document or information by way of information request to the CNSC and after days of awaiting a copy, are informed it exists on the proponent's website. While we commend licensees who post information publicly on their website, the onus should not be on an intervenor or member of the public to discern what information exists on individual sites, which will inevitably have varying degrees of searchability and user-friendliness.</p> <p>CELA, Greenpeace and Northwatch submit that in order to enhance transparency and accountability, the CNSC must maintain a public database which consolidates the documentation, decision and orders which informs their advisory and oversight functions. This database must also enable the easy access of information and incorporate a user-centred design.</p> <p>As we previously noted, an online registry would be ideal for housing this information and it could contain a standard set of information of each licence. From preliminary decommissioning plans to financial guarantees, the online portal should also house all documents referenced in Commission Member Documents, license applications and draft documents currently open for comment. The CNSC website could be more valuable as an information depot, with links to documents, repositories and licensee information. Currently, the CNSC website severely lacks this functionality and its document management system is opaque.</p>	<p>Comment noted. An online public database would be a major undertaking and is outside the scope of this document. This comment will be considered during the development of version 2. See note above the comments table.</p>

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6.	CELA, Greenpeace Canada and Northwatch	1.Preface	<p>1) The Preface of REGDOC-3.2.1 outlines the intent of the disclosure protocol. It is important that the preface speak directly to a diverse range of citizens, and explain the purpose and deliberative process which led to the RegDoc's enactment.</p> <p>2) More importantly, the RegDoc must strive to do more than "improve the level of understanding" and create an "atmosphere of openness, transparency and trust." We submit that the RegDoc must also ensure an accountable and transparent safety culture among licensees, and include language to this effect.</p>	<p>1) Your feedback on the Preface will be taken into consideration for version 2. Most of the text in the Preface is common to all new regulatory documents.</p> <p>2) REGDOC-3.2.1 does not address licensee safety culture. However, CNSC is developing REGDOC-2.1.2, <i>Safety Culture</i> which will provide guidance on this topic.</p>
7.	ELA, Greenpeace Canada and Northwatch	1.Preface	<p>The Preface of REGDOC-3.2.1 is uniquely placed to increase dialogue between public audiences with the Commission and therefore CELA, Greenpeace and Northwatch also recommend the following inclusions:</p> <ul style="list-style-type: none"> <li>▪ <b>A 'culture of openness' must serve as a pre-requisite to meaningful participation in the CNSC regulatory process.</b> A culture of openness is based on the principle that information should be available to the public, as part of the democratic process, and restrictions on this right to access should be limited and specific. CELA, Northwatch and Greenpeace have previously been deprived of meaningful participation in CNSC reviews because of protective mindset held by licensees.</li> </ul>	<p>Comment noted.</p> <p>This and other suggested revisions can be taken into consideration for version 2</p>
8.	CELA, Greenpeace Canada and Northwatch	1.Preface	<ul style="list-style-type: none"> <li>▪ <b>A key purpose which we recommend be added into the text of the Preface is to "facilitate the participation of the public in proceedings of the CNSC."</b> This principle is reflected in s 21(1)(b.1) of the NSCA in reference to the facilitation of the public via the Participant Funding Program.</li> </ul>	<p>Comment noted. However no change to text. The purpose of public information and disclosure programs goes beyond participation in licensing hearings.</p>
9.	CELA, Greenpeace Canada and Northwatch	1.Preface	<ul style="list-style-type: none"> <li>▪ <b>The Preface must apply equally to licenced activities, licensees and licence applicants and the function of the CNSC, as a regulator and quasi-judicial tribunal.</b> Public access to information about nuclear activities and facilities in Canada is undeniably an important issue. However, the Preface demonstrates that the intended scope of the RegDoc is licensed facilities and activities, licensees and licence applicants. CELA, Greenpeace and Northwatch submit that the CNSC, in the performance of its regulatory duties and function as a quasi-judicial tribunal, must also include itself within the gamut of disclosure obligations. Public participation and the right to know should not be limited to licensee and license applicants when other interests stand to be adversely affected by administrative action or decision-making.</li> </ul>	<p>Disagree. No changes to the document.</p> <p>The purpose of this regulatory document is to promote open communication between licensees/proponents and members of the public. Regulatory documents set out guidance and requirements for licensees and applicants.</p> <p>The CNSC is an open and transparent regulator and is subject to the Treasury Board of Canada Secretariat <i>Communication Guidelines</i> and the <i>Access to Information Act</i>.</p>

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10.	CELA, Greenpeace Canada and Northwatch	1.Preface	<p>▪ <b>There must be ongoing document release and disclosure opportunities, beyond the context of licence application or renewal.</b> With the trend to longer, ten-year nuclear power plant and nuclear facility licences, it is important that the scope of disclosure not be restricted to licence application or renewal stages. Rather, CELA, Greenpeace and Northwatch submit that the text of the Preface should expressly recognize an <i>ongoing obligation to disclose information, by licensees and the CNSC.</i></p>	<p>Agree, but no changes to the document. Although CNSC staff agree that document release and disclosure of information should be continuous, it is not the objective of this REGDOC.</p>
11.	CELA, Greenpeace Canada and Northwatch	1.Preface	<p>▪ <b>The statement ‘improve the level of understanding of the public’ must be clarified and expanded.</b> The Preface states, as one of its objects that it seeks to “improve the level of understanding by the public.” While this is a commendable action, we are concerned that this statement may not result in enough detailed information being made publicly available. For instance, if the proponent or licensee can demonstrate an ‘improvement in understanding’ of their activity, is this threshold sufficiently met and ongoing disclosure ceases? How an ‘improvement in understanding’ is determined and is this threshold selectively applied or does it cut across all aspects of licenced activities?</p> <p>CELA, Greenpeace and Northwatch submit that while public information programs can and should be a part of this RegDoc, in order to ensure that the provision of information does not stop once there is an ‘increase in understanding,’ all public information disclosures must also be accompanied by raw data – which is crucial to enhancing the rigour of the information and understanding the methodology and assumptions upon which the findings are based.</p>	<p>No changes at this time. Comment will be considered for version 2. See note at the beginning of this table.</p>
12.	CELA, Greenpeace Canada and Northwatch	1.1 Purpose	<p>The RegDoc’s existing purpose statement in section 1.1 reads: A program for public information includes a public disclosure protocol regarding events and developments involving their facilities and/or activities.</p> <p>CELA, Northwatch and Greenpeace propose the following language be added to the existing purpose statement: A program for public information includes a public disclosure protocol regarding events and developments involving their facilities and/or activities <i>as well as information requests from the public related to regulatory compliance, safety analysis and submissions to the CNSC.</i></p> <p>This amendment reflects our submission, as noted above, that disclosure serves the dual purposes of providing oversight of licensee activity while empowering the public to participate in decision-making related to these facilities.</p>	<p>No changes at this time. Comment will be considered for version 2. See note at the beginning of this table.</p>

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13.	CELA, Greenpeace Canada and Northwatch	1.2 Scope	<p>Section 1.2 of the RegDoc narrows the scope of disclosure and dissemination of public information envisioned in the text's Preface. In response to our specific comments, outlined below, CELA, Northwatch and Greenpeace propose the following text amendment:</p> <p>This document provides guidance on how licensees and licence applicants can meet the regulatory requirements by providing explanatory information, <i>respond to information requests from the public, proactive disclose regulatory applications and submissions</i>, process and procedural guidance, and examples of good practices currently in use in the nuclear sector.</p>	No changes at this time. Comment will be considered for version 2. See note at the beginning of this table.
14.	CELA, Greenpeace Canada and Northwatch	1.2 Scope	<p>▪ <b>The scope of information to be made public under REGDOC-3.2.1 must include raw data.</b> Section 1.2 references the type of documents the CNSC envisions resulting from this RegDoc, listing 'explanatory information, process and procedural guidance and examples of good practices currently in use.' To this suggested list of public information inclusions, CELA, Greenpeace and Northwatch recommend including the unadorned, raw data. Undoubtedly, the CNSC is the single most important repository of information related to the use and existence of nuclear and radioactive devices and infrastructure. All of this information has been generated with public funds and it is only through the open and public transmission of this data, that citizens can participate in licensing decisions, and avoid the duplication and cost that would result from hiring external experts.</p> <p>Furthermore, there are many specialists, experts and members of the scientific community that are quite capable of reviewing primary data, study methodologies and corroborating findings and analysis. Enabling the release of this type of information will increase its rigour and the public's confidence in its use and reliance. In the event the document or data being sought contains proprietary information, there is no reason why the balance of the file cannot be released.</p>	No changes at this time. Comment will be considered for version 2. See note at the beginning of this table.

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15.	CELA, Greenpeace Canada and Northwatch	2.1 Overview	<p>CELA, Northwatch and Greenpeace request the CNSC to reference the principles of the federal <i>Access to Information Act</i>, whose provisions require that disclosure of information be provided in a timely manner, without bias to the requestor, and through a process which provides every reasonable effort to assist the person. This is reflected in subsection 4(2.1) which reads:</p> <p><b>Responsibility of government institutions</b></p> <p><b>(2.1)</b> The head of a government institution shall, without regard to the identity of a person making a request for access to a record under the control of the institution, make every reasonable effort to assist the person in connection with the request, respond to the request accurately and completely and, subject to the regulations, provide timely access to the record in the format requested.</p> <p>The CNSC's current regulatory approach is not prescriptive and depends upon negotiations between staff and licensees. This serves as a barrier to public scrutiny which must be mitigated in REGDOC-3.2.1. As many licensees are private companies and not subject to freedom of information laws, REGDOC-3.2.1 can aid in the forthright disclosure of information.</p>	No changes at this time. Comment will be considered for version 2. See note at the beginning of this table.
16.	CELA, Greenpeace Canada and Northwatch	2.1 Overview	<p>Furthermore, documents need to be made available in a more timely manner in order to provide the public with a reasonable opportunity to participate and the Commission with the full benefit of public input. Therefore, we suggested the following amendments to the text of section 2.1:</p> <p>The primary goal of the public information program, as it relates to the licensed activities, is to ensure that information related to the health, safety and security of persons, and the environment, <b><i>as well as regulatory compliance and submissions</i></b> and other issues associated with the lifecycle of nuclear facilities are effectively communicated to the public.</p> <p>As a component, where the public has indicated an interest to know, the program shall include a commitment to and protocol for ongoing, timely communication of information related to the licensed facility during the course of the licence period, <b><i>including responding to information requests</i></b>.</p> <p>The public information program and disclosure protocol should be developed taking into consideration:</p> <ul style="list-style-type: none"> <li>• the type of facility and activities being regulated</li> <li>• the risks to public health, safety and security, and the environment posed by the facility or activity</li> <li>• the level of public interest or concern</li> <li>• <b><i>values of openness and pro-active disclosure</i></b></li> </ul>	No changes at this time. Comment will be considered for version 2. See note at the beginning of this table.

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17.	CELA, Greenpeace Canada and Northwatch	2.2.2 Target audience	<p>Please note, as it appears that section 2.2.2 of the text is not open for comment, the following submissions which discuss section 2.2.2 can be incorporated in the text of section 1.2 Scope.</p> <p>Section 2.2.2 Target Audience(s) states that the public information program designed by a licensee should have a target audience, such as an intervener. CELA, Greenpeace and Northwatch do not agree with the proponent being able to define the public information which is relevant to a specific audience, especially as it relates to interveners. Interveners, by the very nature of intervention, are supposed to raise arguments which augment the record before the hearing panel. Therefore, CELA, Greenpeace and Northwatch instead recommend that the CNSC require public information programs which are responsive to the requests of interveners and absent an express list of disclosure exemptions (noted in our comments above), the information requested should be freely available.</p> <p>We recommend the text of this provision be amended to read:</p> <p>This should include key opinion and political leaders, community and media groups, <i>civil society organizations, municipal governments</i>, interveners, and Aboriginal groups.</p> <p>While s 2.2.2 states that "the size and variety of these audiences depends on the type and location of the facility," we remind the Commission that citizens and municipalities extending to 100 km may be legitimately interested in reactor operations, as a result of the accidents at the Fukushima and Chernobyl nuclear stations where communities at great distances were negatively impacted.</p>	No changes at this time. Comment will be considered for version 2. See note at the beginning of this table.
18.	CELA, Greenpeace Canada and Northwatch	2.2.4 Public information strategy and products	<ul style="list-style-type: none"> <li>▪ <b>REGDOC-3.2.1 must guarantee the provision of raw or primary data.</b> While the suggested information list in section 2.2.4 lists provides the environmental risk assessment and probabilistic risk assessment (where applicable), it does not state that the accompanying methodology, primary data or reports referenced within the document will be provided. Without this express requirement, the integrity of the REGDOC-3.2.1 to truly deliver public information and facilitate disclosure can be undone.</li> </ul> <p>Furthermore, because the CNSC as an administrative-tribunal lacks cross-examination, the CNSC must facilitate the disclosure of information which could otherwise result from this type of quasi-judicial, public hearing. Absent the ability to cross-examine during licensing hearings, there is a lack of opportunity to examine the assumptions upon which an expert has based their findings. It is paramount that the Commission also be aware of these assumptions, in order to draw its own conclusion.</p>	No changes at this time. Comment will be considered for version 2. See note at the beginning of this table.

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19.	CELA, Greenpeace Canada and Northwatch	2.3.2 Guidance for a public disclosure protocol	<p>Section 2.3.2 of REGDOC-3.2.1 provides the following in regards to exemptions: Licensees should ensure that the public disclosure protocol does not prescribe the release of sensitive information, such as security-related information and trade secrets or scientific, technical, commercial, financial or labour relations information.</p> <p>We request that there be an additional section, titled '<b>2.3.2.1 Guidance on balancing transparency and sensitive information</b>' that provides explicit guidance on how licensees balance the 'culture of openness' with possible security issues. For instance, the updated RegDoc 2.4.2 Probabilistic Safety Assessment for Nuclear Power Plants, s 5 Guidance on Public Disclosure, provides a more exact description of what may be 'security sensitive':</p> <p style="padding-left: 40px;">It should be noted that any information pertaining to the specific fault sequences and vulnerabilities of a facility include security-sensitive information and is subject to applicable information security provisions.</p> <p>In response, we suggest the following language for incorporation in a new, section 2.3.2.1: <b>2.3.2.1 Guidance on balancing transparency and sensitive information</b> <i>Licencees should be encouraged to shift from a protective mindset to a culture of openness in information disclosure.</i> <i>A culture of openness should be based on the principles that information should be available to the public in timely manner, and that necessary exemptions from access should be limited and specific. Exemptions should not simply be claimed because they are technically plausible, but only be claimed if they genuinely apply to the information at issue.</i> <i>Security exemptions may be applied to information pertaining to the specific fault sequences and vulnerabilities of a facility.</i></p>	We will consider this comment when developing version 2 of the REGDOC, and for the next revision of REGDOC-2.4.2. work on 2.4.2 should begin in the fall 2018.

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20.	Swim Drink Fish Canada/Lake Ontario Waterkeeper	2.3.2 Guidance for a public disclosure protocol	<p>REGDOC-3.2.1 adds a new provision (section 2.2.4) to the regulation requiring facilities to post their environmental risk assessments and/or probabilistic safety assessments on their respective websites. Unlike the guidelines in section 2.3.2 above, the new requirements in section 2.2.4 are mandatory. The objective of this new section is to further “provide open and transparent means and access for the public to obtain desired operational, environmental and safety information about the licensed facility or activities”.</p> <p>Waterkeeper commends the CNSC for the introduction of this new requirement. At the same time, further mandatory requirements for the content of public information programs and disclosure protocols should be added to the regulation. More specifically, Waterkeeper submits that the suggested content already included in section 2.3.2 should be made mandatory. Facilities should also be required to publicly disclose their annual compliance reports submitted to the CNSC.</p>	No changes at this time. Comment will be considered for version 2. See note at the beginning of this table.
21.	Swim Drink Fish Canada/Lake Ontario	2.3.2 Guidance for a public disclosure protocol	<p>Recommendation 3: facilities should be required by REGDOC-3.2.1 to notify the public in a timely manner of the estimated volumes and concentrations of planned and unplanned releases. This information should be accompanied by applicable Action Levels as well as licence and regulatory limits.</p> <p>Finally, Waterkeeper has long been advocating for the CNSC to ensure better data sharing with the public more generally. While ERAs and annual compliance reports can contain some averaged environmental monitoring data, such data still only tells a limited story about facilities’ potential environmental impacts. Disaggregated data, whether the results of bi-annual, quarterly, or monthly environmental sampling, provides members of the public and public interest organizations with a fuller understanding of the environmental performance of nuclear facilities. While this is being done to a limited extent via the Independent Environmental Monitoring Program (IEMP), much more work in this area is required.</p> <p>The federal government has committed to strengthening its Open Data initiatives, based on the understanding that public access to government data creates greater transparency and accountability of government, as well as increasing citizen engagement (see open.canada.ca). The CNSC should support this important initiative by encouraging nuclear facilities to regularly release more of the results of environmental monitoring activities as disaggregated data.</p>	No changes at this time. Comment will be considered for version 2. See note at the beginning of this table.
22.	CELA, Greenpeace Canada and Northwatch	2.3.3	<p>With regards to section 2.3.3, CELA, Northwatch and Greenpeace provide the following text amendment:</p> <p>It is CNSC policy to promote open and transparent public relationships between licensees and applicants and their target audiences <i>as well as civil society organizations</i> and to assist in the broader dissemination of information to the general public where appropriate.</p>	No changes at this time. Comment will be considered for version 2. See note at the beginning of this table.

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23.	Swim Drink Fish Canada/Lake Ontario	1.2 Scope	<p>The proposed REGDOC 3.2.1 changes the scope of this regulation's application. While it still states that it applies to all uranium mines and mills and Class I nuclear facilities, the wording concerning Class II facilities has been amended: Class II facilities will only be governed by the regulation if their licenses require them to have public information and disclosure programs (section 2.1). The notice for this current public consultation opportunity explains that this amendment to section 2.1 of the regulation will effectively mean that hospitals are no longer exempted from the regulation. However, the language concerning Class II exemptions is still very broad, making it unclear how many Class II will be governed by this regulation, or exactly what criteria will be used to determine appropriate levels of public disclosure for these facilities on a case-by-case (or licence-by-licence) basis. Ultimately, it is important to note that the proposed amended regulation will still not apply to all licensed nuclear facilities in Canada.</p>	<p>The scope of REGDOC-3.2.1 was revised to clarify exactly what Class II facilities are within the scope. The change did not change the Scope. Requirements to comply with REGDOC-3.2.1 do not apply to all Class II facilities.</p> <p>The CNSC determines if the level or risk presented by the licensee, given the type of prescribed equipment licensed, warrants a public information and disclosure program as part of their licence condition. Hospitals, for example, require a radiation safety program for operating radiotherapy machines. However, they do not require a public information and disclosure protocol because the level of risk for public impact to the public and the environment is negligible. In contrast, licensees who operate isotope production accelerators are required to have a public information and disclosure protocol, because there is a higher level of risk associated with that licensed activity.</p>

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24.	Swim Drink Fish Canada/Lake Ontario	1.2 Scope	<p>1) Recommendation 1: REGDOC-3.2.1 should apply to all nuclear facilities and activities requiring a CNSC licence.</p> <p>2) REGDOC-3.2.1, like RG/DC-99.3, provides for a significant amount of discretion to be exercised by each licensed facility to determine which kinds of public disclosures to make.</p> <p>Section 2.3.2 of REGDOC-3.2.1 (which remains unchanged from RG/GD [sic]-99.3) provides suggestions for what <i>may</i> be included in a public disclosure protocol. They include:</p> <ul style="list-style-type: none"> <li>a) significant operational developments such as labour disputes and expansion or changes in facility design or operation;</li> <li>b) events with offsite effects or which could result in public interest and concern or media attention;</li> <li>c) fires;</li> <li>d) impact of natural events such as earthquakes, floods, lightning;</li> <li>e) serious vehicle or industrial accidents;</li> <li>f) planned and unplanned significant interruptions of facility operations, such as disruption of isotope production;</li> <li>g) routine and non-routine releases of radiological and hazardous materials to the environment;</li> <li>h) unplanned events, including those exceeding regulatory limits; and</li> <li>i) environmental monitoring reports.</li> </ul> <p>However, none of these provisions are mandatory according to either RG/DC-99.3 or REGDOC 3.2.1.</p>	<p>1) See comment 23 on which licensees or applicants the REGDOC applies to.</p> <p>2) No changes at this time. Comment will be considered for version 2. See note at the beginning of this table.</p>

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25.	CELA, Greenpeace Canada and Northwatch	1.2 Scope	<p>Additionally, CELA, Greenpeace and Northwatch provide the following comments:</p> <ul style="list-style-type: none"> <li>▪ Licences for the use of nuclear substances and the CNSC’s oversight of this sector should be included within the scope of REGDOC-3.2.1. As the CNSC highlighted in its recent <i>Regulatory Oversight Report on the Use of Nuclear Substances in Canada: 2016</i>, there are 2,233 licences for the use of nuclear substances in the medical, industrial, academic, research and commercial sectors and furthermore, approximately one million packages containing nuclear substances are transported each year in Canada.<sup>5</sup> While accidents involving this class of licence involve fewer numbers of people, they can nonetheless be serious and as noted by the International Atomic Energy Agency, accidents involving radiation sources occur more frequently than reactor accidents.</li> </ul> <p>Therefore, it is crucial that licences involving radioactive devices and substances not be exempt from the scope of REGDOC-3.2.1. While recognizing that it may be difficult for public information and disclosure to be put in place for each of these over 2000 licensees, we submit that in order for the CNSC to perform its regulatory and oversight functions, the transparent relay of information upon request from interested persons or members of the public must be required. Requiring and facilitating the transparent and open provision of information among all licences and CNSC activities, will increase the public’s trust in the CNSC, its oversight and administration of the NSCA.</p>	See comment 23 on which licensees or applicants the REGDOC applies to.
26.	Swim Drink Fish Canada/Lake Ontario Waterkeeper	2.3.2 Guidance for a public disclosure protocol	<p>Recommendation 2: REGDOC-3.2.1 should make the following types of disclosure mandatory for all licensed facilities:</p> <ul style="list-style-type: none"> <li>a) significant operational developments such as labour disputes and expansion or changes in facility design or operation;</li> <li>b) events with offsite effects or which could result in public interest and concern or media attention;</li> <li>c) fires;</li> <li>d) impact of natural events such as earthquakes, floods, lightning;</li> <li>e) serious vehicle or industrial accidents;</li> <li>f) planned and unplanned significant interruptions of facility operations, such as disruption of isotope production;</li> <li>g) routine and non-routine releases of radiological and hazardous materials to the environment;</li> <li>h) unplanned events, including those exceeding regulatory limits;</li> <li>i) environmental monitoring reports; and</li> <li>j) facilities’ annual compliance reports.</li> </ul>	Comment noted. No changes to the document. Additional requirements can be considered for version 2.

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27.	CELA, Greenpeace Canada and Northwatch	1.2 Scope	<p>▪ <b>Section 1.2 Scope should contain a clear statement of the type of information which is freely available and subject only to the general exemptions found in most freedom of information laws (ie. cabinet records, advice to govern, etc.).</b> Absent this express statement, there is no duty for either the CNSC or proponent to produce the requested information.</p>	<p>No changes to the scope section, it is appropriate as written. It describes which regulated facilities or activities it applies to. It should be noted that the regulatory documents apply to licensees and applicants.</p> <p>Access to information and privacy requests and the type of information that the CNSC releases are not the subject of this REGDOC.</p>
28.	CNL, Bruce Power, OPG, NB Power	2.2.2 Target audience	<p>This republication is an opportune time for the CNSC to refine this section, which requires licensees to define target audiences and the rationale for their inclusion while also providing the rationale for excluding groups interested in becoming part of the target audience. Excluding groups may have been necessary when RD/GD-99.3 was first introduced and public information programs were in development. However, most of today's programs are mature and the need for exclusions seems unnecessary and unintentionally confrontational. If a target audience is properly identified and the criteria for doing so accepted by the CNSC, it should be readily apparent which audiences meet the criteria and why.</p> <p>Suggested change:  Amend the 1st sentence to read, <i>"The public information program shall define the target audiences, and the rationale utilized for their inclusion." The program shall also document the rationale for exclusion of public sectors who explicitly have expressed interest in becoming part of the target audience.</i></p> <p>Request for clarification</p>	<p>Comment noted. No changes to the document. Stakeholders' comments received during public consultation on REGDOC-3.2.1 will be considered in the development of version 2.</p>
29.	CELA, Greenpeace Canada and Northwatch	2.2.4 Public information strategy and products	<p>Section 2.2.4 of the draft RegDoc outlines the type of information to be released and possible procedural means to facilitate disclosure. CELA, Greenpeace and Northwatch provide the following comments on this section:</p> <p>1) <b>There must be ongoing document release and disclosure opportunities, beyond the context of licence application or renewal.</b> The current text of REGDOC-3.2.1 could be interpreted to mean that public information products listed in this provision only have to be provided before a licence renewal. Given the move to ten-year licences, the wording of the text should require information to be proactively released when it is produced, and not contingent on relicensing. Therefore, we suggest the following text:</p> <p>2) As part of this program, if a licensee is required to conduct an environmental risk assessment (ERA) and/or a probabilistic safety assessment (PSA), <b>and/or a Periodic Safety Review (PSR)</b> the ERA, <b>PSR reports</b>, and a summary of the PSA must be posted on the licensee's website <b>timed to their required submission to the CNSC and not solely in advance of relicensing applications.</b></p> <p>3) And, the addition of a bullet to the list of what is contained in the public information strategy, specifically, <b>how informal information requests will be processed.</b></p>	<p>1) Currently, as per the requirements for RD/GD 99.3, licensees provide relevant information to the public, including annual reports which are not limited to licensing renewal activities.</p> <p>2) Comment noted, No change to text.  The suggestion to add the Periodic Safety Review and its reports is a new requirement that would have significant impact on licensees. The suggestion can be considered for version 2.</p> <p>2) and 3) Additional requirements can be considered for version 2.</p>

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30.	CELA, Greenpeace Canada and Northwatch	2.2.4 Public information strategy and products	<p><b>REGDOC-3.2.1 must expressly state what is required to be disclosed, rather than relying on permissive language, such as “should” and “may”.</b> The CNSC must require all proponents to provide publicly available information. Absent this express requirement, differing levels of disclosure will result. Public involvement already varies by federal agency and by regulator and therefore, to introduce a proponent based system which allows the licensee to decide upon the level of disclosure and the means for delivering information frustrates an already divergent field. Instead, CELA, Greenpeace and Northwatch recommend that the CNSC require proponents to publicly provide information.</p>	<p>Comment noted. No changes to the document. Additional requirements can be considered for version 2.</p>
31.	AREVA	2.2.4 Public information strategy and products	<p>AREVA observes that a significant modification was made to Section 2.2.4 Public Information Strategy and Products, requiring licensees who conduct an environmental risk assessment (ERA) and/or probabilistic safety assessment (PSA), to post the ERA and a summary of the PSA on the licensee’s website.</p> <p>In the development of AREVA’s Public Information and Disclosure Program, AREVA has undertaken considerable effort to determine and consult on effective methods of communications with our identified stakeholders. ERA’s are written for a very specialized audience. Due to the broad range of scientific and technical literacy amongst our stakeholders and the general public, it is AREVA’s opinion that it is appropriate for licensees to develop and post a summary of the ERA that is clear, concise and understandable by the general public. Conversely, posting an ERA in its entirety is inappropriate. AREVA currently uses a mechanism through our website for stakeholders to request the full document, if desired. This mechanism provides AREVA with an opportunity to become aware of stakeholders interested in specific information about our operations, and provides us the opportunity to offer a meeting to further explain our projects and discuss their areas of interest. AREVA already has this mechanism in place on our website for other documents and has proven to be very successful in facilitating meaningful interactions with our stakeholders.</p>	<p>Disagree. No changes to the documents.</p> <p>ERAs are important information for interveners to have to participate fully during relicensing hearings. The Commission has determined ERAs are required to be made fully available and publicly posted. Areva, Cameco and Bruce have already posted full ERAs on their websites.</p>

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32.	Cameco	2.2.4 Public information strategy and products	<p>Cameco does not agree that it is appropriate or valuable to post an environmental risk assessment (ERA) on a licensee's website and strongly objects to the imposition of such a requirement in a REGDOC.</p> <p>An ERA may include protected information, export controlled nuclear technology, or information that is protected from disclosure pursuant to the Access to Information Act. To post an ERA in these circumstances would require the document to be redacted and the administrative burden to prepare such documents greatly exceeds any benefit to the public.</p> <p>Further, ERAs are typically very technical (i.e. contain emission factors, model descriptions etc.) and lengthy (Cameco's ERAs may exceed 600 pages) which makes such documents of little value to the public without further explanation and context. This is inconsistent with "ensuring information is presented in a manner that is understandable to the public, preferably using plain, non-technical language" as recommended in section 2.2.4.</p> <p>In our view, the posting of ERA summaries consistent with the proposed requirement for probabilistic safety assessments would permit licensees to condense the technical information using plain, non-technical language and provide the context necessary for the public to understand the information in the ERA.</p>	See comment 31 on the requirement to post ERAs.

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33.	CNL, Bruce Power, OPG, NB Power	2.2.4 Public information strategy and products	<p>[We are] concerned that the new requirement to post the full text of environmental risk assessments on licensee websites does not:</p> <ol style="list-style-type: none"> <li>1. Properly address the public's need for contextual information in a usable, reader-friendly format.</li> <li>2. Meet the very intent of this REGDOC, which the 3rd bullet on page 5 describes as ensuring "information is presented in a manner that is understandable to the public, preferably using plain, non-technical language."</li> <li>3. Respect the disclosure obligations licensees have with regard to protected or security-sensitive information.</li> </ol> <p>Suggested change:  Amend the 2nd sentence in the 1<sup>st</sup> paragraph to read, "As part of this program, if a licensee is required to conduct an environmental risk assessment (ERA) and/or a probabilistic safety assessment (PSA), <del>the ERA and a summaries of the PSA</del> <i>these assessments</i> must be posted on the licensee's website."</p> <p><b>MAJOR IMPACT</b></p> <p>For some facilities, environmental risk and probabilistic safety assessments contain information that is either classified, discusses export-controlled nuclear technology or protected from disclosure under the Access to Information Act. In some cases, this material may provide a source of information that fosters a threat or informs a malicious act. As a result, this information would need to be redacted from the full document.</p> <p>In addition, ERAs and PSAs are highly technical and hundreds of pages in length. This makes them of little value to the general public and could lead to undue concern and confusion without further explanation or perspective.</p> <p>If licensees were to post summaries of both assessments, the technical information would be consistent, condensed and contextualized. This would help mitigate potential safety concerns and meet the REGDOC's intent to inform the public "using plain, non-technical language".</p>	See comment 31 on the requirement to post ERAs.

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34.	Nordion	2.2.4 Public information strategy and products	<p>Nordion's main area of concern is the new requirement to post the full text of the Environmental Risk Assessments (ERA) on the licensee website. Given that the ERAs are highly technical and lengthy, posting in its entirety could lead to undue concern and confusion without explanation or perspective. In addition, Nordion has concerns that the ERA could include sufficient detail of certain infrastructure that could pose a security risk if posted in a public domain. It is recommended to change the requirement to posting a summary of the ERA rather than the report in its entirety as this would help mitigate potential safety concerns and meet the REGDOC's intent to inform the public "using plain, non-technical language".</p> <p>Section 2.2.4 indicates that the licensee should ensure that "information is presented in a manner that is understandable to the public, preferably using plain, non-technical language". Posting an environmental risk assessment (ERA) in its entirety would be contrary to this. The ERA may not be readily understood by the public and could lead to undue concern and confusion. In addition, we have concerns that the ERA could include sufficient detail of certain infrastructure that would pose a security risk to have this information in the public domain.</p> <p>Suggested change: Change the requirement to posting of <i>a summary</i> of the environmental risk assessment rather than the report in its entirety.</p> <p><b>MAJOR IMPACT</b></p>	See comment 31 on the requirement to post ERAs.
35.	CNL, Bruce Power, OPG, NB Power	2.2.4 Public information strategy and products	<p>This document adds the requirement to post a summary of probabilistic safety assessments on licensee websites. This requirement is also included as guidance under Section 5 of REGDOC-2.4.2, Safety Analysis: Probabilistic Safety Assessment. Listing identical requirements in two different REGDOCs can result in inconsistencies and confusion.</p> <p>Suggested change: It is suggested that a parking lot item be noted for the next update to <i>REGDOC-2.4.2</i> to either delete <i>Section 5: Guidance on Public Disclosure</i>, or update it to strictly provide guidance on the contents of the PSA summary.</p> <p>Request for clarification</p>	Agree. CNSC staff will address this comment when revising REGDOC-2.4.2. Documents are updated
36.	Swim Drink Fish Canada/Lake Ontario	2.3.2 Guidance for a public disclosure protocol	Recommendation 4: REGDOC-3.2.1 should encourage facilities to regularly and proactively release the disaggregated results of environmental monitoring activities.	<p>Comment noted. This requirement is not being considered for this update to the document.</p> <p>This is currently being done by the CNSC as part of its Independent Environmental Monitoring Program.</p>

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37.	CNL, Bruce Power, OPG, NB Power	2.3.2 Guidance for a public disclosure protocol	<p>This section encourages licensees to “gain an understanding of what information the public wishes to know,” but most of the examples provided as guidance come from a negative premise. This incorrectly suggests the public is primarily interested in information regarding unplanned events such as fires, earthquakes, industrial accidents, etc.</p> <p>This is not reflected in industry data on public inquires, which confirms most information requests are related to subjects like employment opportunities or how nuclear energy is produced.</p> <p>CNL suggests a more balanced list of examples be provided that accurately reflects “information the public wishes to know” and the need to provide information “linked to the public’s perception of risk.”</p> <p>In addition to the examples already provided in this REGDOC, the CNSC is encouraged to add some of the information requests licensees most often receive.</p> <p>These include:</p> <ul style="list-style-type: none"> <li>• Employment opportunities</li> <li>• Safety initiatives/milestones</li> <li>• Emergency preparedness initiatives, including KI pill distribution.</li> <li>• How a nuclear power plant works</li> <li>• Sponsorship opportunities</li> <li>• Tour/visit inquiries</li> <li>• Site activities impacting traffic</li> </ul> <p>Request for Clarification</p>	Agree, however no further revisions are being considered for the technical content of the document at this time. See note above comment 1.
38.	CNL, Bruce Power, OPG, NB Power	Glossary	<p>Several terms defined in this document’s Glossary are inconsistent with the definitions in REGDOC-3.6. Glossary of CNSC Terminology. For example, “Event” is defined in a preferable manner in REGDOC-3.6, which describes it as, “Any occurrence...potential consequences of which may be significant from the point of view of protection or safety.”</p> <p>Suggested change:</p> <p>Remove the Glossary from this document and refer to the definitions in <i>REGDOC-3.6. Glossary of CNSC Terminology.</i></p> <p>- Request for Clarification</p>	Agreed. This suggestion has been implemented.
39.	Cameco	Glossary	<p>We also note that some of the terms defined in the glossary in the REGDOC are inconsistent with the definitions in REGDOC-3.6, Glossary of CNSC Terminology. We recommend that the glossary be removed and the REGDOC should refer to REGDOC-3.6.</p>	Agreed. This suggestion has been implemented.

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Feedback on comments period: October 23, 2017 to November 14, 2017 # of respondents: 2 # of new comments received: 5				
40.	<a href="#">Northwatch</a>	General	Should a workshop on REGDOC-3.2.1 be convened, as is sometimes the practice of the CNSC, we respectfully request that such a workshop not be exclusive to the CNSC and the nuclear industry. Such a workshop – and any such workshops – should be open to a range of stakeholders and public interests, including organizations such as Northwatch and other non-governmental organizations who have identified an interest in the regulation of the nuclear industry in general and more particularly in the public disclosure and transparency and fostering public engagement in federal regulatory processes and industry oversight.	Your request will be considered should the CNSC determine that a workshop would be helpful during the development of version 2 of this document.
41.	<a href="#">Winnipeg Regional Health Authority</a>	1.2 Scope	It is noteworthy that the first sentence in the second paragraph of the Scope section of the draft REGDOC has been revised to indicate that some Class II operations in hospitals will require a Public Information and Disclosure Program – it was very odd when one of our hospitals was instructed by ACFD staff that their PET Cyclotron operation would require a Public Information and Disclosure Program at the same time that RG/GD-99.3 <b>excluded</b> hospitals and cancer centres from the requirements of RD/GD-99.3.	The scope of REGDOC-3.2.1 was revised to clarify exactly what Class II facilities are within the scope. Hospitals, for example, require a radiation safety program for operating radiotherapy machines. However, they do not require a public information and disclosure protocol because the level of risk for public impact to the public and the environment is negligible. Licensees who operate isotope production accelerators are required to have a public information and disclosure protocol, because there is a higher level of risk associated with that licensed activity.
42.	<a href="#">Winnipeg Regional Health Authority</a>	1.2 Scope	It is of concern that some organizations who have commented on Draft REGDOC-3.2.1 have expressed the opinion that the Scope should be expanded to include virtually all CNSC licensees. That would cause a huge undue administrative burden. In the current climate of increased fiscal accountabilities and decreased availability of funding within publicly-funded health care institutions it would be a definite challenge to establish such a far-reaching program as what seems to be desired by some commenters. The Scope of REGDOC-3.2.1 <b>should not</b> be expanded.	Agreed, comment noted. The scope is not being expanded for this version of REGDOC-3.2.1.

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43.	<a href="#">Northwatch</a>	Section 2.2.4	<p>The submissions made by Areva, Nordion, and Cameco focussed primarily on the CNSC proposal to modify Section 2.2.4 of the REGDOC. This was also one of the (same) six comments submitted by each of Bruce Power, Canadian Nuclear Laboratories, Energy NB Power, and Ontario Power Generation, and was the only item on which those submissions made actually comment rather than requesting clarification. The item in the draft REGDOC-3.2.1 reads as follows:</p> <p><i>2.2.4 Public information strategy and products</i>  <i>The public information program shall provide open and transparent means and access for the public to obtain desired operational, environmental and safety information about the licensed facility or activities. As part of this program, if a licensee is required to conduct an environmental risk assessment (ERA) and/or a probabilistic safety assessment (PSA), the ERA and a summary of the PSA must be posted on the licensee's website.</i></p> <p>Each of the submissions by the nuclear industry similarly argued that the requirement to post the full text of environmental risk assessments on licensee websites does not address "the public's need for contextual information in a usable, reader-friendly format", or "meet the very intent of this REGDOC, which the 3rd bullet on page 5 describes as ensuring "information is presented in a manner that is understandable to the public, preferably using plain, non-technical language" and proposed – as an alternative – that a summary be posted instead, and that "As appropriate, licensees could provide fuller versions of the assessments - redacted to satisfy any legal disclosure obligations - to individual stakeholders upon request". We disagree. Further, we find industry's argument that these documents should not be made available through a public posting to be pejorative and disrespectful of the capacity and abilities of many outside the industry to evaluate complex technical information such as may be found in these documents. Additionally, we would note that at least two of these proponents have previously provided Northwatch with Environmental Risk Assessments, and the documents were important to our review of license applications.</p>	Comment noted. No changes required to the document.

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44.	<a href="#">Northwatch</a>	Section 2.2.4	<p>Where we may have some degree of agreement with industry on this point is that on the mechanism to make these documents publicly available. We agree that the licensee's websites might not be the most appropriate platform, or at least not the sole platform.</p> <p>As set out in the joint submission of Northwatch, CELA and Greenpeace, an online registry maintained by the Canadian Nuclear Safety Commission would be the preferred mechanism for housing this information. The registry could contain a standard set of information for each licence, including Environmental Risk Assessments and Probabilistic Safety Assessments in full and summary forms, as well as the proponent's licence, general location(s), substances and purpose (ie. medical, manufacturing, industrial, recycling, waste disposition, etc.) and other documents prepared in support of license applications, environmental assessments, or other reviews. From preliminary decommissioning plans to financial guarantees, the online portal should also house all documents referenced in CMDs, license applications and draft documents currently open for comment. The CNSC website could be more valuable as an information depot, with links to documents, repositories and licensee information.</p> <p>This database could be similar to the NRC's ADAMS online registry which exists in the United States. Currently, the CNSC website severely lacks this functionality and its document management system is opaque. The licensee's web sites are extremely variable in terms of quality, comprehensiveness, and organization. While we full support the licensees maintaining web sites which makes the information available, performance to date has been variable at best, and such provision is not a substitute for a well constructed, well maintained and well populated central registry.</p>	<p>Comment noted.</p> <p>See response to comment 5 regarding an online database.</p>