



# The Canadian Nuclear Safety Commission: Regulatory Oversight Report Review

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**The Canadian Nuclear Safety Commission: Regulatory Oversight Report Review**

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## **Preface**

Discussion papers play an important role in the selection and development of the regulatory framework and regulatory program of the Canadian Nuclear Safety Commission (CNSC). They are used to solicit early public feedback on CNSC policies or approaches.

The use of discussion papers early in the regulatory process underlines the CNSC's commitment to a transparent consultation process.

Discussion papers are available for public comment for a specified period. At the end of the comment period, CNSC staff review all public input and will consider all feedback received from this consultation process in determining its regulatory approach.

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## Executive summary

The Canadian Nuclear Safety Commission (CNSC) mandate under the Nuclear Safety and Control Act (NSCA) is to regulate the use of nuclear energy and materials to protect health, safety, security and the environment, and to implement Canada's international commitments on the peaceful use of nuclear energy. Persons and organizations licensed by the CNSC are responsible for operating their facilities and managing their activities safely, and are required to implement programs that make adequate provisions for protecting health, safety, security and the environment. The CNSC is responsible for setting the requirements and verifying compliance against those requirements. The NSCA further mandates the CNSC to disseminate objective scientific, technical and regulatory information to the public concerning the activities of the Commission and the effects, on the environment and on the health and safety of persons, of their development, production, possession and use.

CNSC staff provide technical information on licensed activities to the Commission Tribunal through annual regulatory oversight reports (RORs). RORs inform the Commission on the safety performance of Canadian licensees' nuclear-related activities and use of nuclear substances. Staff use RORs to publicly report their evaluation of licensees' "activities" based on safety performance and adherence to the Commission's regulatory expectations. Issues and emerging changes in regulations are also highlighted. RORs are presented at public Commission meetings and written submissions from interveners are typically invited. In order to help facilitate informed interventions, the CNSC has a Participant Funding Program to assist eligible interveners with costs associated with intervening.

RORs are currently presented to the Commission addressing the following topics:

- [Nuclear Power Plants](#)
- [Canadian Nuclear Laboratories Sites](#)
- [Uranium Mines and Mills](#)
- [Use of Nuclear Substances](#)
- [Uranium and Nuclear Substance Processing Facilities](#)
- [Research Reactors and Particle Accelerator Facilities](#)

Annual reports have been presented by CNSC staff since 2010. The CNSC is undertaking a comprehensive review of the RORs and the ROR process. Licensees, stakeholders, and Indigenous groups and communities have indicated that the process may benefit from the lessons learned to date, particularly:

- The scope of information contained in the RORs could benefit from greater clarity and definition, as the amount and type of information contained in the RORs has changed over the years based on feedback from the Commission members and stakeholders.
- The reporting cycle of ROR submissions to the Commission is not indicative of the risk posed by and interest in the various licensed activities and facilities.

This discussion paper seeks feedback on the RORs and the ROR process from licensees, stakeholder, and Indigenous groups and communities. It outlines the current process for presenting RORs to the Commission and seeks comments for improvement. The CNSC will consider all feedback received during this consultation process to inform its approach regarding future RORs.

# The Canadian Nuclear Safety Commission: Regulatory Oversight Report Review

## 1.0 Introduction

The Canadian Nuclear Safety Commission (CNSC) is continuously seeking ways to improve the openness and transparency of its regulatory process. The dissemination of objective scientific, technical and regulatory information to the public, stakeholders and Indigenous peoples is part of the CNSC's mandate, as outlined in the *Nuclear Safety and Control Act* (NSCA). The CNSC considers public involvement and sharing regulatory information regarding the licensed activities and facilities to be a cornerstone of regulating the nuclear industry and strengthening public trust. Interventions provide an opportunity for licensees, stakeholders and Indigenous groups and communities to engage meaningfully in the regulatory process at regular intervals. Further, the CNSC is committed to engaging stakeholders through a variety of consultation processes.

One tool that CNSC staff use to both inform the Commission and to disseminate information to interested stakeholders is the regulatory oversight report (ROR). RORs report on CNSC staff's regulatory activities and assessment of the licensee's safety performance. RORs are presented to the Commission through public Commission meetings.

In the spirit of continuous improvement, the CNSC launched an initiative to review its suite of RORs. This exercise, of which this discussion paper is a part, aims to improve the RORs. The objective of the review is to:

- consider the frequency at which RORs should be presented to the Commission
- define and better understand the needs of the ROR's target audience(s)
- seek input from licensees, stakeholder, and Indigenous groups and communities to help the CNSC refine the content and delivery of the RORs to the Commission

This discussion paper does not propose specific regulatory changes. The CNSC will consider all feedback received in its ongoing efforts to improve the RORs.

## 2.0 ROR Structure

RORs provide a consistent means for staff to report on the performance of licensed activities, facilities or industry sectors. RORs present CNSC staff evaluations of performance based on information obtained through CNSC's compliance verification activities. The RORs also present other activities of interest that occurred during the reporting period. The information includes trends and comparisons with previous years. Updates on Indigenous and community engagement activities conducted by the CNSC and the licensees are included as well as, a discussion of the licensees' public information and disclosure programs, licensees' financial guarantees, reportable events, significant facility modifications, areas of increased regulatory focus and, where applicable, results of the CNSC's Independent Environmental Monitoring Program.

## 3.0 Current Situation

RORs are presented by CNSC staff at public meetings of the Commission and are made available for public review and intervention prior to the meeting in accordance with the timelines established by the Commission Secretariat. RORs are presented in the second half of the calendar year due to the submission timelines for licensee annual compliance report, which are generally due between April and July to allow licensees to gather and present information from the previous year.

RORs are currently presented to the Commission addressing the following topics:

- [Nuclear Power Plants](#)
- [Canadian Nuclear Laboratories Sites](#)
- [Uranium Mines and Mills](#)
- [Use of Nuclear Substances](#)
- [Uranium and Nuclear Substance Processing Facilities](#)
- [Research Reactors and Particle Accelerator Facilities](#)

The content, structure and frequency of the RORs varies to focus on the issues and topics important to each industry. The approaches selected are commensurate with the risk associated with the licensed activities, the level of interest from the public and Indigenous groups and other practical considerations. For example, regulatory oversight of:

- nuclear power plants is presented annually, discusses each nuclear generating station separately and discusses all 14 SCAs in depth
- nuclear substances is presented annually, discusses industry sectors as groupings rather than individual licensees and focuses on four SCAs that provide key indicators of overall performance given the activities carried out
- research reactors and particle accelerator facilities is presented every three years, introduces each research reactor and Class IB particle accelerator individually, but discusses them as two groupings and focuses on three SCAs that provide key indicators of overall performance given the activities carried out

Issues associated with RORs and ROR processes in their current form, as identified by licensees, stakeholders and Indigenous groups and communities through interventions, include:

- repetitive information within a single ROR but also across all RORs
- minimal amount of detail and/or lack of information
- limited time to review the ROR prior to its presentation to a Commission meeting
- limited links to reference material.

### 3.1 Purpose of the RORs

RORs provide the Commission with information and updates about the CNSC's regulatory oversight activities and the performance of the licensee or regulated entity.

RORs are a public document that should be accessible and comprehensible. They are presented at public Commission meetings and as a result, follow the Commission Secretariat processes for announcement, notification, and consultation of the Commission meeting. The Commission encourages broad participation from the public, Indigenous groups and communities, civil society organizations and other stakeholders in these meetings. Some interveners have indicated that these meetings are not effective in soliciting public input, as only licensees and Indigenous groups and communities are permitted to make oral presentations. Stakeholders may only submit written interventions and they have indicated that this does not allow for transparent and open engagement with the Commission or CNSC staff regarding RORs.

The CNSC would like to hear comments on the following questions:

Q1. Are RORs a good way to communicate licensee performance to you?

Q2. In which ROR(s) do you have an interest?

Q3. How do you use the RORs?

Q4. Which parts of the RORs provide meaningful information to you? Why?

Q5. Have you previously intervened on RORs, and if so which ones?

Q6. Are the facilities and activities addressed by each ROR organized in a logical and meaningful grouping to you? If not explain why.

Q7. What additional information or topics would be useful to you?

### 3.2 Frequency of Reporting RORs to the Commission

The following RORs are presented by CNSC each year:

- Canadian Nuclear Laboratories sites
- Nuclear power generating sites, including on-site waste management facilities
- Uranium and nuclear substance processing facilities, with additional information presented on research reactors and Class IB particle accelerators every three years
- Uranium mines and mills, with additional information presented on historic and decommissioned sites every three years
- Use of nuclear substances

The frequency that RORs are presented aligns with the CNSC's overall risk-informed approach. This approach considers the level of risk of the various licensed activities and interest from the public and Indigenous groups in the licensed activity. CNSC presents RORs annually for high-risk/high-interest activities and provides additional information every three years for lower-risk/lower-interest activities.

CNSC staff are seeking feedback on the frequency and groupings of information in the RORs, based on this risk-informed approach and interest criteria.

The CNSC would like to hear comments on the following question:

Q8. Is the frequency of the RORs appropriate? If not what changes do you suggest?

### 3.3 Content of RORs

As discussed, the CNSC has a well-established safety and control (SCA) framework to report on and evaluate each licensee's safety performance. This evaluation is based on a comprehensive review<sup>1</sup> of the CNSC's licensing, certification, compliance verification, monitoring and enforcement activities. The ROR presents safety performance ratings by SCA. The determination of the rating in a SCA is based on considerations of individual findings from CNSC compliance verification activities. In previous RORs, a licensee receives the following possible ratings:

- Fully satisfactory (FS) – Safety and control measures were highly effective
- Satisfactory (SA) - Safety and control measures were sufficiently effective
- Below expectations (BE) – Safety and control measures were marginally ineffective
- Unacceptable (UA) - Safety and control measures were significantly ineffective

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<sup>1</sup> Compliance plans are developed applying a risk-informed approach for the various licensed activities or facilities. Compliance verification activities include, but are not limited to, field inspections, desktop reviews, technical assessments of licensees' activities, review of licensees' reports, event reviews and ongoing exchanges of information with the licensees.

In the December 2020 public meetings of the Commission, CNSC staff presented a simplified grading system in some RORs by removing the FS rating. CNSC staff are considering making this change permanent to direct effort away from discussion of whether a given licensee's measures were effective or highly effective and focus those resources on additional compliance verification activities.

Interveners have indicated that they find RORs too detailed and cumbersome. For example, RORs safety performance assessments and trends for multiple licensees/sectors as well as for each facility or activity. Further, every ROR includes boilerplate information about the facilities, SCA background information and regulatory requirements. This has led to a concern that the content of the RORs is similar year after year.

The CNSC would like to hear comments on the following questions:

Q9: Does the current rating system give you sufficient information on the level of safety performance? Are the ratings useful to you? If not, why?

Q10. How would you like the ROR information to be conveyed?

Q11. Is the level of information provided in the RORs adequate? If not, what areas need more detail? What areas need less?

Q12. Can any of the RORs be combined and if so which ones and why?

Q13. Is there other information you would like to see from the CNSC? What is this information and why is it necessary?

Q14. Do you have any other suggestions for improving the CNSC's RORs?

## 4.0 Conclusion

The CNSC is committed to meaningful engagement with stakeholders and making continuous improvements to CNSC processes and activities. Staff will consider all feedback received on this initiative to improve the RORs and other publically available information. All feedback, as well as staff disposition of that feedback, will be shared with the Commission in a public Commission meeting prior to any changes being implemented to the RORs or the RORs' process.

## 5.0 How to Participate

Please submit your comments or feedback to:  
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