



Proposals to Amend REGDOC-3.2.1, Public Information and Disclosure

Discussion Paper DIS-24-05

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Executive Summary

As defined under subsection 9(b) of the *Nuclear Safety and Control Act*, the Commission has a mandate to disseminate objective scientific, technical, and regulatory information to the public concerning nuclear activities.

To improve the level of understanding by the public of information about proposed or licensed nuclear facilities and activities, licensees and licence applicants are required to develop and implement a public information program that includes a disclosure protocol. Through an effective public information program, a licensee or licence applicant establishes an atmosphere of openness, transparency, and trust. Licensees and licence applicants are encouraged to adopt the most appropriate and effective means of communication. Each public information program and its disclosure protocol should be designed to address the information needs of its target audience.

The CNSC is revising REGDOC-3.2.1, *Public Information and Disclosure* by improving structure and clarity, and including prescriptive requirements to facilitate licensees or licence applicants in supporting compliance, assessments, inspections, and identification of non-compliance.

The aim of this discussion paper is to solicit input from licensees, applicants, proponents, the Canadian public, Indigenous Nations and communities, and stakeholders regarding the proposed revisions to REGDOC-3.2.1, *Public Information and Disclosure*. The feedback gathered through this consultation process will inform the CNSC's approach to revising the regulatory document.

DIS-24-01, Proposals to Amend REGDOC-3.2.1, *Public Information and Disclosure*

1. Introduction

REGDOC-3.2.1, *Public Information and Disclosure*, sets out the regulatory requirements of the Canadian Nuclear Safety Commission (CNSC) for the public information and disclosure program (PIDP), for licensees and applicants. A program for public information includes a public disclosure protocol regarding events and developments involving their facilities and/or activities. This document also provides guidance on the development and implementation of CNSC requirements for public information programs and disclosure protocols.

REGDOC-3.2.1 is also intended to assist CNSC staff in assessing the public information program and its disclosure protocol for a new CNSC licence, a licence renewal or continuing compliance verifications.

This paper will outline the proposed amendments to REGDOC-3.2.1, which intend to provide more structure, clarity and prescriptive requirements to aid licensees in their compliance with this REGDOC. CNSC aims to refine the language to ensure compliance is measurable and improve the level of understanding around requirements for new or updated PIDPs. The CNSC proposes to amend the wording throughout to further clarify the objectives and ensure alignment.

The proposed revisions stem from feedback obtained through internal analysis, CNSC desktop inspections of licensees' PIDPs, as well as input received during public consultation sessions held in 2017.

The document will be reviewed and amended according to the CNSC's Regulatory Framework Plan.

2. Description of proposed changes

2.1 Preface

The CNSC proposes to remove requirements or guidance on Indigenous engagement for uranium mines and mills and Class I nuclear facilities, which will instead be fully addressed in REGDOC-3.2.2, *Indigenous Engagement*. The Preface section will be revised to:

- improve clarity and remove overlap between these two regulatory documents to eliminate confusion
- clarify that consultation with the public is not sufficient to fulfill the CNSC's consultation and engagement obligations to Indigenous Peoples.

2.2 Subsection 1.1, Purpose

The CNSC proposes to clarify the use of the term "event" to make a clear distinction between events that need to be disclosed to the public and those that must be reported to the CNSC, as per REGDOCs:

- [REGDOC-3.1.1, Reporting Requirements for Nuclear Power Plants](#)
- [REGDOC-3.1.2, Reporting Requirements for Non-Power Reactor Class I Facilities and Uranium Mines and Mills](#)
- [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](#)

2.3 Subsection 1.2, Scope

The CNSC will revise this section to provide risk-based criteria in the scope that would determine which licensees/facilities must provide a PIDP. The licensees that are currently required to have a PIDP will not be affected by the changes in this section.

The need for this requirement will be assessed during the licence application stage and will be based on the scope of activities being conducted. Licensees will be advised if this requirement is added to their licence conditions.

The CNSC will also clarify that REGDOC-3.2.1 covers public information and disclosure, while requirements for uranium mines and mills and Class I nuclear facilities related to Indigenous engagement are found in REGDOC-3.2.2, *Indigenous Engagement*.

2.4 Subsection 2.1, Overview

This section explains how the PIDP relates to licensed activities and facilities, and licence renewals. The CNSC is contemplating including a requirement for licensees to review their PIDPs annually, and to update it when applying for a new activity or facility or entering a new phase of the lifecycle of a project. The updated PIDP would be submitted to the CNSC for review to ensure continued compliance with this REGDOC.

Guidance will be provided related to inclusions, frequency, and timelines of disclosure to the public.

In addition, the CNSC will remove the reference to “the public’s perception of risk,” which is subjective rather than measurable.

2.5 Subsubsection 2.2.2, Target audience(s)

The CNSC will revise this section to include minimum requirements for defining targeted audience(s) (proximity, civil society organizations, municipal governments) and provide flexibility for licensees to identify other stakeholders. Moreover, the content on the exclusion of specific public sectors will be removed.

2.6 Subsubsection 2.2.4, Public information strategy and products

When target audiences, including members of the general public, request information, the CNSC will set a maximum timeframe for the release of this information. Subsubsection 2.2.4 currently provides guidance regarding a licensee’s response to comments, questions or concerns expressed by target audiences, and indicates that the PIDPs should include timelines for releasing that information. However, providing a maximum timeframe for acceptable timelines for the release of information once requested would add clarity and manage expectations of target audiences who have inquired or requested documents.

Further, the CNSC will clarify its expectations for the submission of Environmental Risk Assessments (ERAs) and Probabilistic Safety Assessments (PSAs), including the inclusion of raw data, and formalize if and how a licensee can seek exemption from disclosing information.

In addition, the CNSC will revise this section to clarify the documents to be disclosed rather than letting the extent of the program be defined by the public’s perception of risk and level of public interest. The CNSC proposes to add a non-exhaustive list of mandatory documents to be posted by licensees (e.g., plain language summary of the PIDP, summary of decommissioning plans, environmental monitoring

report, annual compliance reports). Language such as “including, but not limited to” will provide clear expectations for licensees and allow for additional information and/or types of documents to be disclosed.

2.7 Subsubsection 2.2.5, Public disclosure protocol

The CNSC will merge subsections 2.2.5 and 2.3, and they will be revised to clarify the requirements and guidance on the elements to be included in the public disclosure protocol.

2.8 Subsubsection 2.2.7, Contact information

The CNSC will revise this section to specify the type of required contact information while recognizing that a single point of contact may not be feasible for all licensees. However, it will remain a requirement that the licensee must ensure the public can obtain information quickly and easily.

2.9 Subsubsection 2.3.2, Guidance for a public disclosure protocol

The CNSC will revise this section to provide additional clarity and guidance to licensees when developing their public disclosure protocol. The new version will also outline the information that will be mandatory for disclosure.

2.10 Subsubsection 2.3.3, Public disclosure notification

The CNSC will revise this section to include a timeline for licensees to inform the CNSC and provide a copy of the disclosures made under the public disclosure protocol.

2.11 Subsection 2.4, Documentation and records

The CNSC will revise this section to add a period for record retention, ending one year after the expiry of the licence that authorizes the activity.

The REGDOC will clarify what documents are required to be submitted to the Commission and when (i.e., upon application/renewal).

2.12 Definitions

The terminology will be revised throughout the document to ensure consistency and objectivity. The following terms will be revised or defined:

- public information and disclosure program
- public information protocol
- public information strategy

Stakeholders will have the opportunity to review the proposed definitions and provide feedback when the draft REGDOC is posted for public consultation.

3. Consequential amendments to related documents

The CNSC intends to update REGDOC-2.10.1, *Nuclear Emergency Preparedness and Response* and REGDOC-2.4.2, *Probabilistic Safety Assessment (PSA) for Reactor Facilities* to align with the proposed amendments to REGDOC-3.2.1.

REGDOC-3.1.1, *Reporting Requirements for Nuclear Power Plants* will also be amended to include a requirement for licensees to report on their PIDP to the CNSC, to facilitate clarity and consistency.

4. Future public consultations and how to provide feedback

Interested parties will also have the opportunity to provide feedback on the draft revisions to REGDOC-3.2.1 as part of the REGDOC development process. Notifications regarding these opportunities will be sent to subscribers of the CNSC mailing list.