Regulatory Framework Update 2018

Presentation to the Commission
October 4, 2018

CMD 18-M54

Executive Summary

Objective

To provide the Commission with:

- Overview of the CNSC's Regulatory Framework Program
- Program evolution and accomplishments
- Challenges and priorities

Areas of Focus

The framework at a glance	Evolution and accomplishments	Challenges and priorities
- About the Regulatory Framework - How our framework compares to others - Commission decisions in managing regulatory projects	- How has the program evolved? - Accomplishments to date - Annual program highlights	- Broader context - Looking ahead: Aligning with broader context - Key messages

Area of Focus

The framework at a glance

- About the Regulatory Framework
- How our framework compares to others
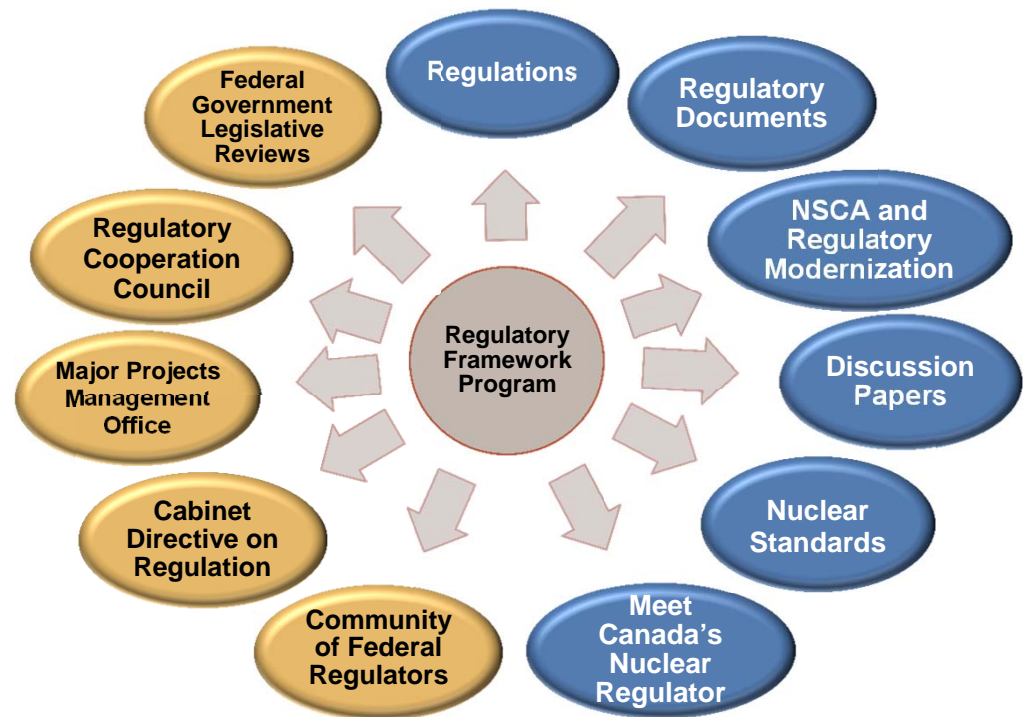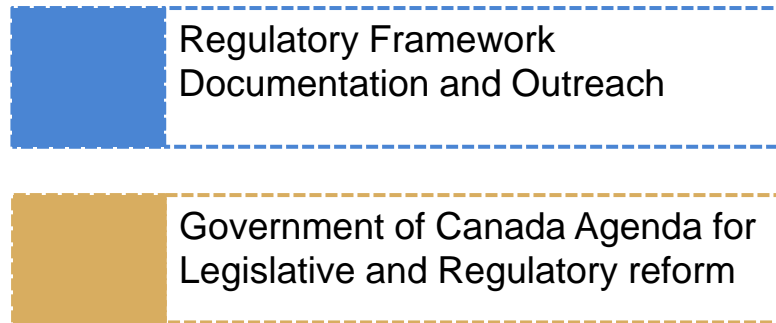- Commission decisions in managing regulatory projects

Evolution and accomplishments

- How has the program evolved?
- Accomplishments to date
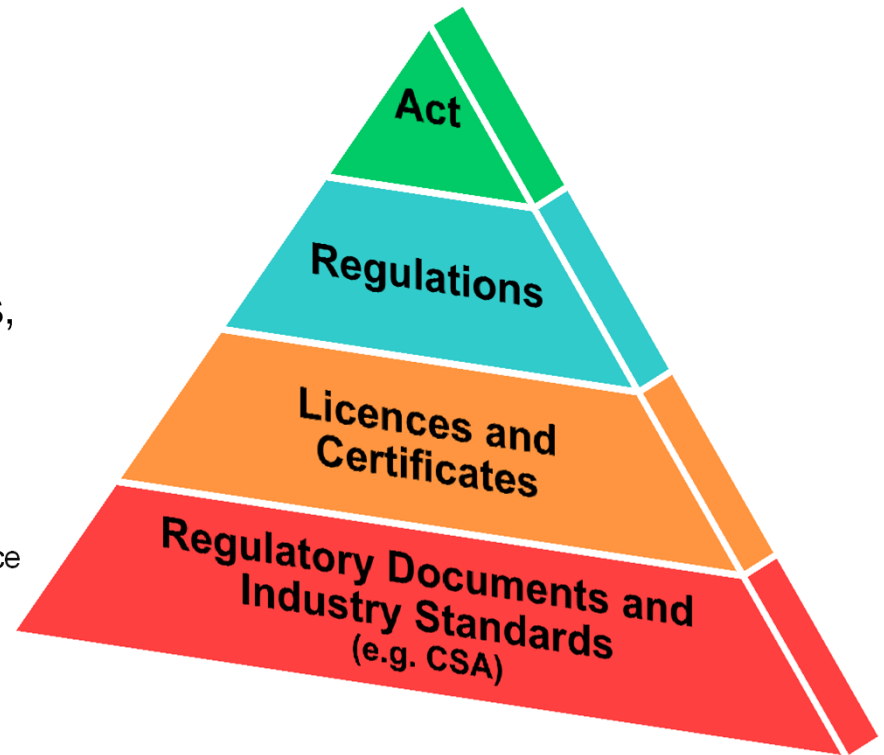- Annual program highlights

Challenges and priorities

- Broader context
- Looking ahead: Aligning with broader context
- Key messages

Regulatory Framework Program Overview

Regulatory Framework Documentation and Outreach

Government of Canada Agenda for Legislative and Regulatory reform

Regulatory Framework

- *Nuclear Safety and Control Act*
  - Enabling legislation
- Regulations
  - High-level requirements
- Licences, Licence Condition Handbooks, Certificates
  - Facility and/or activity-specific requirements
- Regulatory Documents & Standards
  - Additional requirements, industry standards and guidance
- Regulatory Framework Plan
  - 5-year prioritized plan for cyclical document reviews

Pyramid diagram (top to bottom):
- Act
- Regulations
- Licences and Certificates
- Regulatory Documents and Industry Standards (e.g. CSA)

Comparing to Others

Criteria for Comparison

- Framework structure

- Document review cycle

- Consultation and stakeholder engagement

- Regulatory framework varies among regulators

  - International: USA, United Kingdom, France

  - Domestic: Canadian Food Inspection Agency, National Energy Board, Transport Canada

- Regulatory approach depends on organization, types of activities regulated, and nature of regulation in each country

- 5-year review cycle of documents is common

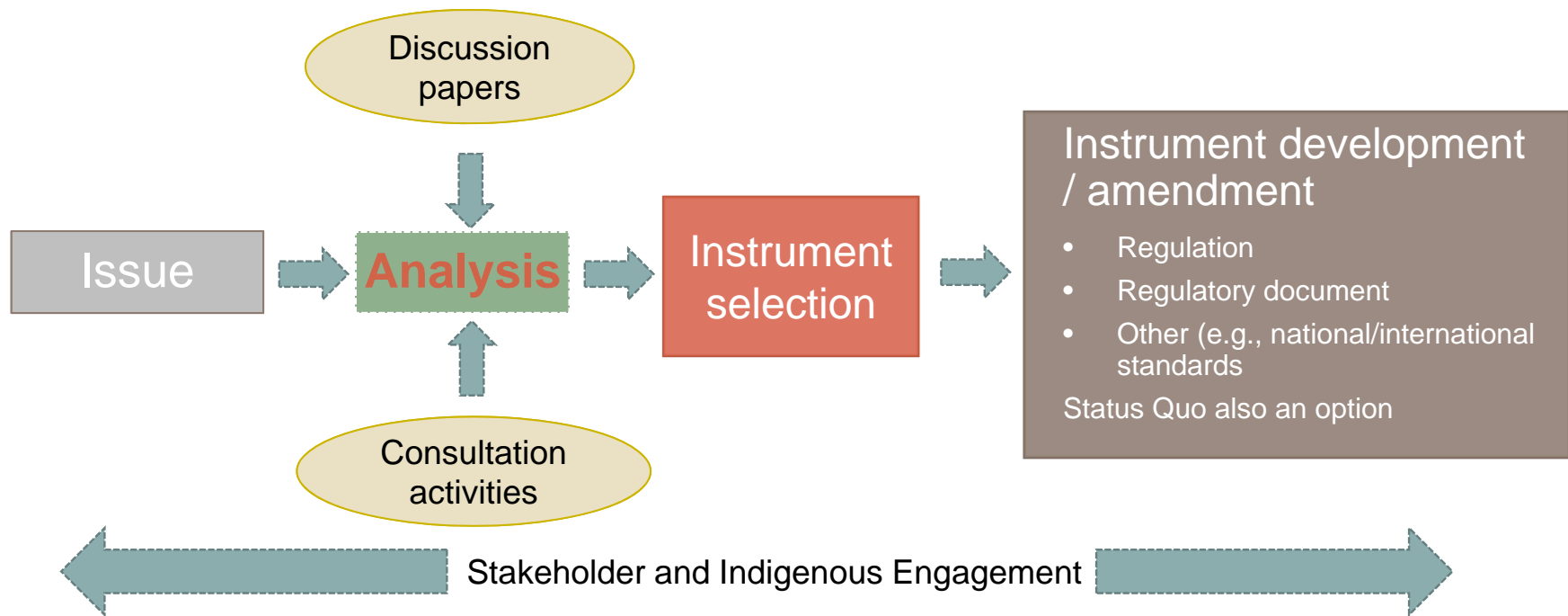**CNSC structure is unique, based on Safety and Control Areas**

Comparing to Others – How We Fare

CNSC's Open and Transparent Framework

- Comprehensive Regulatory Framework Plan

- Early and frequent opportunities to engage and provide comments

- Length of time for stakeholder comments usually on par with others, but often above average – up to 120 days

- Feedback loop and public access to dispositioned stakeholder comments

- The US Nuclear Regulatory Commission (NRC) has online comment submission capability – possible improvement for CNSC

Managing a Regulatory Framework Project

Discussion papers

Issue

Analysis

Instrument selection

Instrument development / amendment

- Regulation
- Regulatory document
- Other (e.g., national/international standards

Status Quo also an option

Consultation activities

Stakeholder and Indigenous Engagement

Policy analysis informs instrument selection

Regulation Consultation and Commission Decision

1. Develop Regulatory Proposal

- Consultation and feedback
- Regulatory Impact Analysis

2. Develop Regulatory Package

- Draft Regulatory Package
- **Brief Commission**
- Governor in Council approval to consult
- Regulations published in *Canada Gazette*, Part I for feedback

3. Make Regulations

- Regulatory Package
- **Commission makes the Regulations**
- Governor in Council approval of Regulations
- Regulations published in *Canada Gazette*, Part II

All Regulations are made by the Commission and approved by GIC

REGDOC Consultation and Commission Decision

1. Develop REGDOC proposal

- Consultation and feedback
- Result of Analysis

2. Develop REGDOC

- Draft REGDOC
- CNSC approval to consult
- Draft REGDOC published on CNSC's website for feedback

3. Approve REGDOC

- Regulatory Document
- **Commission approval of REGDOC**
- REGDOC published on CNSC's website
- No Governor in Council approval

REGDOCs are approved by the Commission

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Evolution and accomplishments

- How has the program evolved?

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- Annual program highlights

Challenges and priorities

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Framework Program Evolution

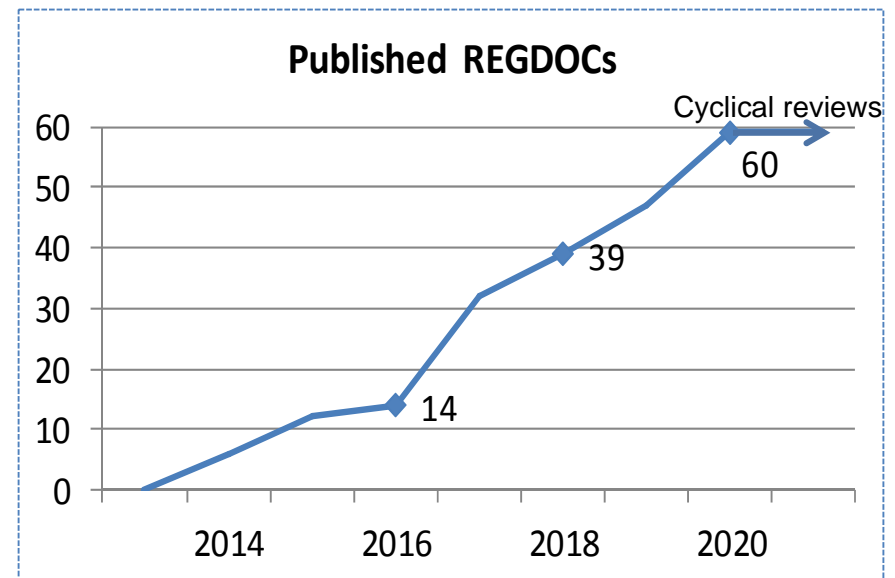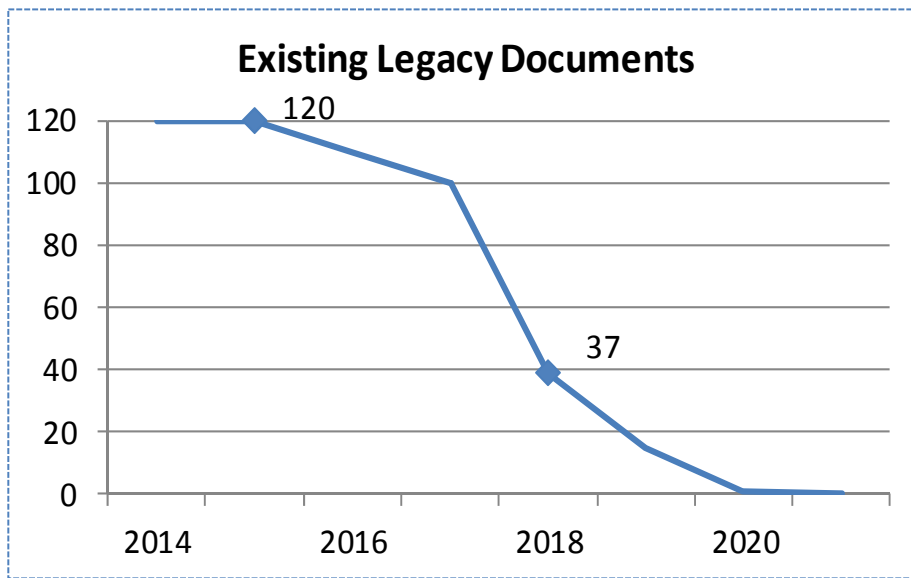| Framework modernization	Goals
- Began in 2013 - Improvements made to clarify the CNSC's documented regulatory expectations - Regulatory Framework Plan developed to manage projects transparently	Goals connect to our core mandate and strategic planning framework. ✓ Populate all sections of the regulatory document framework by 2020 ✓ Eliminate legacy documents by 2020 ✓ Ensure the development or review of priority files beyond 2020 ✓ Prioritize cyclical reviews of the CNSC's regulatory stock

A modern, flexible and robust framework, responsive to evolving needs

Accomplishments To Date

Existing Legacy Documents

120

100

80

60

40

20

0

120

37

2014   2016   2018   2020

Published REGDOCs

Cyclical reviews

60

50

40

30

20

10

0

60

39

14

2014   2016   2018   2020

Progress made over the last few years… still work to do

Annual Framework Program Highlights

Regulations – Amendments	Status	Canada Gazette, Part I
• *Radiation Protection Regulations*	Drafting	Q3, 2018/19

• Safeguards and Non-proliferation
    • *Nuclear Non-proliferation Import and Export Control Regulation*
 	
    • *General Nuclear Safety and Control Regulations*
	Analysis	Q4, 2018/19

• *Nuclear Security Regulations*	Analysis	TBD

Annual Framework Program Highlights

Published REGDOCs

- Fitness for Duty, Managing Drug and Alcohol Use (2.2.4)

- Safety Culture (2.1.2)

- Waste Management, Assessing the Long Term Safety of Radioactive Waste Management (2.11.1)

- Glossary (3.6)

- See Annex for complete list

13 REGDOCS published last year

Annual Framework Program Highlights

Standards

- International and CSA nuclear standards support the regulatory framework

- Improved public access to CSA Group nuclear standards based on Commission direction

- CNSC participate and input in standard development

Challenge: Communicating how CSA standards support the Regulatory Framework

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Broader Context

- Bill C-69 (new *Impact Assessment Act*)

- New *Cabinet Directive on Regulation 2018*

- Other pan-Government regulatory modernization initiatives

Looking at CNSC priorities in the broader context

Looking Ahead: Aligning with Broader Context

Bill C-69: *Impact Assessment Act*

Overhauls current federal assessment approach

- CEAA to become Impact Assessment Agency *with* new governance model
- Broader scope of assessment
- New Crown consultation lead
- New formal early engagement process
- Cabinet to make impact assessment decisions on CNSC projects

Impacts on the CNSC to be determined

Cabinet Directive on Regulation

Represents a renewal and modernization of Canada's approach to the development, management, and review of regulations

- Indigenous engagement and reconciliation
- Gender-Based Analysis (GBA+)
- Regulatory Cooperation
- Environmental Impacts
- Periodic Review of Regulatory Stock

Imposes enhanced requirements on regulators across the lifecycle of regulations

What GBA + Means for Regulatory Policy?

- Gender Based Analysis (GBA+) is a government-wide initiative aimed at assessing potential impacts of regulations (and policies, programs, initiatives) on diverse groups of men and women.

- The Cabinet Directive on Regulation requires all departments and agencies to undertake GBA+ assessment of the social and economic impacts of regulatory proposals.

- The "plus" acknowledges that GBA goes beyond sex and gender differences to consider multiple factors such as geography, race, ethnicity, sexual orientation/identification, religion, age, and mental or physical disability.

Required for Regulations – Good practice also adopted for REGDOCs

Looking Ahead: Aligning with Broader Context (2)

Regulatory Modernization and Priority Projects

- New international guidance and recommendation for radiation protection framework

- Reviewing our regulations and requirements on nuclear security, cybersecurity, safeguards and non-proliferation

- Modernizing waste management and decommissioning framework

- Regulating new potential nuclear technologies (e.g., Small Modular Reactors)

- Updating CNSC Licence Application Guides

- Continuous improvements to modernize processes

Summary of Priorities

- ✓ Populate our regulatory framework and supersede all legacy document by 2020

- ✓ Modernize our regulations

- ✓ Implement prioritized cyclical document reviews

- ✓ Demonstrate readiness for evolving technologies in the nuclear industry

- ✓ Continue enhancing processes and outreach opportunities

Steady Progress on CNSC's Robust, Modern, Flexible Regulatory Framework

Thank You !

Questions?

nuclearsafety.gc.ca

Annex A

Published REGDOCs

REGDOCs published (1/4)

1. REGDOC-1.1.1, *Site Evaluation and Site Preparation for New Reactor Facilities*

2. REGDOC-1.1.3, *Licence Application Guide: Licence to Operate a Nuclear Power Plant*

3. REGDOC-1.5.1, *Application Guide: Certification of Radiation Devices or Class II Prescribed Equipment*

4. REGDOC-1.6.1, *Licence Application Guide: Nuclear Substances and Radiation Devices*

5. REGDOC-2.1.2, *Safety Culture*

6. REGDOC-2.2.2, *Personnel Training*

7. REGDOC-2.2.3, *Personnel Certification*
   I. REGDOC-2.2.3, *Personnel Certification: Radiation Safety Officers*
   II. REGDOC-2.2.3, *Personnel Certification: Exposure Device Operators*

8. REGDOC-2.2.4, *Fitness for Duty:*
   I. REGDOC-2.2.4, *Fitness for Duty: Managing Worker Fatigue*
   II. REGDOC-2.2.4, *Fitness for Duty: Managing Alcohol and Drug Use*
   III. REGDOC-2.2.4, *Fitness for Duty: Nuclear Security Officer Medical, Physical, and Psychological Fitness*

REGDOCs published (2/4)

9. REGDOC-2.3.1, *Conduct of Licensed Activities: Construction and Commissioning Programs*
10. REGDOC-2.3.2, *Accident Management*
11. REGDOC-2.3.3, *Periodic Safety Reviews*
12. REGDOC-2.4.1, *Deterministic Safety Analysis*
13. REGDOC-2.4.2, *Probabilistic Safety Assessment for Nuclear Power Plants*
14. REGDOC-2.5.2, *Design of Reactor Facilities: Nuclear Power Plants*
15. REGDOC-2.5.4, *Design of Uranium Mines and Mills: Ventilation Systems*
16. REGDOC-2.5.5, *Design of Industrial Radiography Installations*
17. REGDOC-2.5.7, *Design, Testing and Performance of Exposure Devices*
18. REGDOC-2.6.1, *Reliability Programs for Nuclear Power Plants*
19. REGDOC-2.6.2, *Maintenance Programs for Nuclear Power Plants*
20. REGDOC-2.6.3, *Aging Management*

REGDOCs published (3/4)

21. REGDOC-2.7.3, *Radiation Protection Guidelines for the Safe Handling of Decedents*

22. REGDOC-2.9.1, *Environmental Protection: Environment Principles, Assessments and Protection Measures*

23. REGDOC-2.10.1, *Nuclear Emergency Preparedness and Response*

24. REGDOC-2.11.1, *Waste Management: Assessing the Long Term Safety of Radioactive Waste Management*

25. REGDOC-2.12.1, *High Security Facilities*

    I. REGDOC-2.12.1, *High Security Facilities: Nuclear Response Force*

    II. REGDOC-2.12.1, *High-Security Facilities: Criteria for Nuclear Security Systems and Devices*

26. REGDOC-2.12.2, *Site Access Security Clearance*

27. REGDOC-2.12.3, *Security of Nuclear Substances: Sealed Sources*

28. REGDOC-2.13.1, *Safeguards and Nuclear Material Accountancy*

29. REGDOC-2.13.2, *Import and Export*

REGDOCs published (4/4)

30. REGDOC-2.14.1, *Information Incorporated by Reference in Canada's Packaging and Transport of Nuclear Substances Regulations, 2015*

31. REGDOC-3.1.1, *Reporting Requirements for Nuclear Power Plants*

32. REGDOC-3.1.2, *Reporting Requirements for Non-Power Reactor Class I Facilities and Uranium Mines and Mills*

33. REGDOC-3.2.1, *Public Information and Disclosure*

34. REGDOC-3.2.2, *Aboriginal Engagement*

35. REGDOC-3.4.1, *Guide for Applicants and Intervenors: Writing CNSC Commission Member Documents*

36. REGDOC-3.5.1, *Information Dissemination: Licensing Process for Class I Nuclear Facilities & Uranium Mines and Mills*

37. REGDOC-3.5.2, Compliance and Enforcement: *Administrative Monetary Penalties*

38. REGDOC-3.5.3, *Regulatory Fundamentals*

39. REGDOC-3.6*, Glossary of CNSC Terminology*

Annex B

List of REGDOCs in Development

REGDOCs in Development (1/3)

1. REGDOC-1.1.5, *Licence Application Guide: Small Modular Reactor Facilities*

2. REGDOC-1.4.1, *Licence Application Guide*: *Class II Nuclear Facilities and Prescribed Equipment*

3. REGDOC-1.2.1, *Guidance on Deep Geological Repository Site Characterization*

4. REGDOC-1.6.2, *Developing and Implementing an Effective Radiation Protection Program for Nuclear Substances and Radiation Exposure Device Licences*

5. REGDOC-2.1.1, *Management System*

6. REGDOC-2.2.3, *Personnel Certification: Initial Certification Examinations*

7. REGDOC-2.2.3, *Personnel Certification: Certification of Persons Working at Nuclear Power Plants*

8. REGDOC-2.4.3, *Nuclear Criticality Safety*

9. REGDOC-2.4.4, *Safety Analysis for Class IB Nuclear Facilities*

10. REG DOC-2.5.6, *Design of Nuclear Substance Laboratories and Nuclear Medicine Rooms*

REGDOCs in Development (2/3)

11. REGDOC-2.7.1, *Radiation Protection*

12. REGDOC-2.7.2, *Dosimetry: Technical and Quality Assurance Requirements for Dosimetry Services*

13. REGDOC-2.7.2, *Dosimetry: Ascertaining Occupational Dose*

14. REGDOC-2.8.1, *Conventional Health and Safety*

15. REGDOC-2.9.2*, Environmental Protection: Controlling Releases to the Environment*

16. REGDOC-2.10.1, *Emergency Management and Fire Protection: Framework for Recovery After a Nuclear Emergency*

17. REGDOC-2.11.1, *Waste Management: Oversight of Canada's Framework for Radioactive Waste Management*

18. REGDOC-2.11.1, *Waste Management: Management of Uranium Mine Waste Rock and Mill Tailings*

19. REGDOC-2.14.1, *Packaging and Transport: Radiation Protection Program Design for the Transport of Nuclear Substances*

REGDOCs in Development (3/3)

20. REGDOC-3.1.3, *Reporting Requirements for Class II Nuclear Facilities and Users of Prescribed Equipment, Nuclear Substances and Radiation Devices*

21. REGDOC-3.3.1, *Financial Guarantees*

22. REGDOC-3.5.2, *Compliance and Enforcement: Orders*

23. REGDOC-3.5.3, *Regulatory Fundamentals : Cost-Benefit Information*

24. REGDOC-3.5.4, *Pre-Licensing Review of a Vendor's Reactor Design*