



Canadian Nuclear
Safety Commission

Commission canadienne
de sûreté nucléaire

REGULATORY
POLICY

Considering Cost-benefit Information

P-242

October 2000

REGULATORY DOCUMENTS

The Canadian Nuclear Safety Commission (CNSC) operates within a legal framework that includes law and supporting regulatory documents. Law includes such legally enforceable instruments as acts, regulations, licences and orders. Regulatory documents such as policies, standards, guides, notices, procedures and information documents support and provide further information on these legally enforceable instruments. Together, law and regulatory documents form the framework for the regulatory activities of the CNSC.

The main classes of regulatory documents developed by the CNSC are:

Regulatory policy: a document that describes the philosophy, principles and fundamental factors used by the CNSC in its regulatory program.

Regulatory standard: a document that is suitable for use in compliance assessment and describes rules, characteristics or practices which the CNSC accepts as meeting the regulatory requirements.

Regulatory guide: a document that provides guidance or describes characteristics or practices that the CNSC recommends for meeting regulatory requirements or improving administrative effectiveness.

Regulatory notice: a document that provides case-specific guidance or information to alert licensees and others about significant health, safety or compliance issues that should be acted upon in a timely manner.

Regulatory procedure: a document that describes work processes that the CNSC follows to administer the regulatory requirements for which it is responsible.

Document types such as regulatory policies, standards, guides, notices and procedures do not create legally enforceable requirements. They support regulatory requirements found in regulations, licences and other legally enforceable instruments. However, where appropriate, a regulatory document may be made into a legally enforceable requirement by incorporation in a CNSC regulation, a licence or other legally enforceable instrument made pursuant to the *Nuclear Safety and Control Act*.

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Document availability

The document can be viewed on the CNSC website. Copies in English or French may be ordered using the contact information below:

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CONSIDERING COST-BENEFIT INFORMATION

1.0 PURPOSE

This regulatory policy describes how the Canadian Nuclear Safety Commission (CNSC) will consider cost-benefit information in certain of its decision-making processes.

2.0 SCOPE

This policy pertains to the CNSC decision-making process in relation to licences and orders, as provided for by the *Nuclear Safety and Control Act*. It directs CNSC staff, and provides guidance to licence applicants, to licensees, to persons who may be required to comply with an order, and to other potential participants in the processes for related decisions.

3.0 BACKGROUND

The Government of Canada requires federal regulation-making authorities to adhere to its related policies and processes in serving the public interest. This includes weighing the benefits and costs of proposed regulations, and applying government resources where they can do the most good. The CNSC follows federal policies and processes when it develops regulations.

The CNSC recognizes that a consideration of costs and benefits may be relevant to other types of activities than the making of regulations. This policy is the result of that recognition. The meanings of the terms “regulatory decisions” and “regulatory actions” in the policy statement below are broader than regulation-making, and relate to decision-making powers available to the Commission in and under the *Nuclear Safety and Control Act* in support of its mandate to regulate.

4.0 POLICY STATEMENT

The Canadian Nuclear Safety Commission recognizes that compliance with its decisions and orders entails social and economic costs that are borne by licensees and others who are subject to its control, and by other Canadians. Accordingly, the Commission’s decision-making processes include the opportunity for affected persons to be heard and for others to participate. The Commission also recognizes that consultation is an important component in the development of its regulatory documents.

It is therefore the policy of the Commission that:

- When conducting a proceeding for purposes of a decision under the *Nuclear Safety and Control Act* that involves a licence or an order, the Commission or its designated officers will consider relevant information on costs or benefits that is submitted by a person who is participating in the process.
- When conducting consultations on a draft regulatory standard or a draft regulatory policy, the Commission will take into account, when fixing the deadline for submission of comments, the time that may be required for the preparation of submissions on the costs and benefits related to the proposed standard or policy.
- When receiving or considering any relevant information on costs or benefits that is submitted in relation to a decision involving a licence or order, the Commission or its designated officers will be governed by the following principles:
 - Information on costs and benefits is only one factor that may be considered in making “regulatory decisions” or taking “regulatory actions” under the Act, and does not displace legal requirements and other valid regulatory considerations.
 - The information on costs or benefits may be quantitative or qualitative in nature.
 - Consideration of the information on costs or benefits may be quantitative or qualitative in nature.

5.0 EVALUATION

The CNSC internal audit group will evaluate the CNSC’s adherence to this policy, and the policy’s effectiveness, during periodic program reviews in accordance with management priorities.

6.0 POLICY AUTHORITY

This regulatory policy is issued under the authority of the *Nuclear Safety and Control Act*.

