



REGULATORY  
POLICY

# Regulatory Fundamentals

P-299

April 2005

## REGULATORY DOCUMENTS

The legal framework within which the Canadian Nuclear Safety Commission (CNSC) operates includes the *Nuclear Safety and Control Act* (NSCA), its Regulations and other legal instruments such as licences, certificates and orders. The legal framework is supported by regulatory documents issued by the CNSC, the main types of which are:

**Regulatory Policy (P):** a document that describes the philosophy, principles or fundamental factors that underlie the CNSC's approach to its regulatory mission. It provides direction to CNSC staff and information to stakeholders.

**Regulatory Standard (S):** a document that describes CNSC requirements. It imposes obligations on the regulated party, once it is referenced in a licence or other legally enforceable instrument.

**Regulatory Guide (G):** a document that indicates acceptable ways of meeting CNSC requirements, as expressed in the act, Regulations, regulatory standard or other legally-enforceable instrument. It provides guidance to licensees and other stakeholders.

**Regulatory Notice (N):** a document that provides licensees and other stakeholders with information about significant matters that warrant timely action.

# **REGULATORY POLICY**

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**Document availability**

The document can be viewed on the CNSC Internet web site at ([www.nuclearsafety.gc.ca](http://www.nuclearsafety.gc.ca)). Copies may be ordered in English or French using the contact information below:

Communications and Information Management Directorate  
Canadian Nuclear Safety Commission  
P.O. Box 1046, Station B  
280 Slater Street  
Ottawa, Ontario, K1P 5S9

Telephone: (613) 995-5894 or 1-800-668-5284 (Canada only)

Facsimile: (613) 992-2915

E-mail: [publications@cnsccsn.gc.ca](mailto:publications@cnsccsn.gc.ca)

# TABLE OF CONTENTS

<b>1.0</b>	<b>PURPOSE</b> .....	<b>1</b>
<b>2.0</b>	<b>SCOPE</b> .....	<b>1</b>
<b>3.0</b>	<b>POLICY STATEMENT</b> .....	<b>1</b>
<b>4.0</b>	<b>POLICY REQUIREMENTS</b> .....	<b>1</b>
4.1.	Setting Requirements and Assuring Compliance .....	1
4.2.	Basing Regulatory Action on Levels of Risk.....	2
4.3.	Making Independent, Objective and Informed Decisions .....	2
4.4	Serving the Public Interest .....	2
<b>5.0</b>	<b>EVALUATION</b> .....	<b>3</b>
<b>6.0</b>	<b>POLICY AUTHORITY</b> .....	<b>3</b>



# REGULATORY FUNDAMENTALS POLICY

## 1.0 PURPOSE

This Regulatory Policy promotes consistency and clarity regarding the way in which the Canadian Nuclear Safety Commission (CNSC) achieves its regulatory objectives.

## 2.0 SCOPE

This Regulatory Policy describes the principles that underlie the CNSC's approach to regulating the development, production, and use of nuclear energy, the production, possession and use of nuclear substances, prescribed equipment, and prescribed information, and the implementation of measures respecting international controls on the non-proliferation of nuclear weapons and nuclear explosive devices.

## 3.0 POLICY STATEMENT

Those persons and organizations that are subject to the *Nuclear Safety and Control Act* (NSCA) and regulations are directly responsible for managing regulated activities in a manner that protects health, safety, security, and the environment, while respecting Canada's international obligations. The CNSC is responsible to Canadians, through Parliament, for assuring that these responsibilities are properly discharged. The CNSC does this by:

- 1) Setting requirements and assuring compliance;
- 2) Basing regulatory action on the level of risk;
- 3) Making independent, objective and informed decisions; and
- 4) Serving the public interest.

## 4.0 POLICY REQUIREMENTS

### 4.1. Setting Requirements and Assuring Compliance

The CNSC:

- 1) Sets and documents clear requirements, using a process that includes consultation;
- 2) Cooperates with other organizations and jurisdictions to foster the development of consistent regulatory requirements;
- 3) Indicates acceptable ways to meet regulatory requirements, but allows licensees to propose alternative methods;
- 4) Promotes compliance with regulatory requirements;

- 5) Verifies that processes and programs satisfy regulatory requirements;
- 6) Enforces requirements using an escalating, consistent approach; and
- 7) Uses appropriate industry, national, international, or other standards.

#### **4.2. Basing Regulatory Action on Levels of Risk**

The CNSC:

- 1) Regulates persons, organizations, and activities that are subject to the act and regulations in a manner that is consistent with the risk posed by the regulated activity;
- 2) Recognizes that risk must be considered in the context of the CNSC's mandate under the act; and
- 3) Makes regulatory decisions and allocates resources in a risk-informed manner.

#### **4.3. Making Independent, Objective and Informed Decisions**

The CNSC:

- 1) Performs objective assessments of information submitted by licensees, intervenors and others;
- 2) Recognizes the role of professional judgment, especially in areas where there is a lack of standards;
- 3) Maintains a consistent regulatory process, recognizing that flexibility may be required on a case-by-case basis; and
- 4) Learns from experience and the experiences of others, and strives for continuous improvement.

#### **4.4 Serving the Public Interest**

The CNSC:

- 1) Carries out its mandate in the interest of Canadians;
- 2) Communicates openly and transparently with stakeholders in an objective fashion while respecting Canada's access to information and privacy laws;
- 3) Provides stakeholders with the opportunity to be heard in accordance with the prescribed rules of procedure;
- 4) Consults with stakeholders when establishing priorities, developing policies, and planning programs and services;
- 5) Interacts with foreign nuclear regulators and appropriate national and international organizations, and cooperates with other jurisdictions; and
- 6) Operates in an effective and efficient manner.



## **5.0 EVALUATION**

The CNSC's adherence to this policy and its effectiveness will be periodically evaluated in accordance with management priorities.

## **6.0 POLICY AUTHORITY**

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