

From: [Steve Staniek](#)
To: [Info](#)
Subject: Re: The public is invited to comment on CNSC regulatory modernization discussion paper
Date: Thursday, November 20, 2014 4:03:29 PM

Dear CNSC

I'd like to be the first to congratulate the regulator on a step in the right (democratic) direction, with an eye to better informed, and hopefully better operated, regulation.

However, I believe we need to back the regulatory bus up a bit more, and revisit the way the nuclear regular operates.

When Canada's Parliament passed the NSC Act, it essentially issued a national licence in the form of a mandate (authorization, or written permission) to the regulator, to regulate or control all of Canada's nuclear materials, regardless of ownership. Under this consolidated licence, the top regulator was made the applicant authority, or in CNSC parlance, placed "in charge of" the national licence. The regulator can and does issue sub-licences to qualified individuals and groups wishing to own/use nuclear materials in Canada. The national licence is the most important licence in Canada, and the national radiation protection program is theoretically the most important RP program, yet they both operate outside of Canada's nuclear laws. Consequently, there are no legal obligations or constraints on the national licence or RP program to ensure they follow and comply with national regulations and expectations. For example, there appears to be no legal requirement for honesty in describing the national RP program the way there is in each licensee's program, so the regulator can get away with making unfounded corporate statements to the public like "100% compliance" and "we will never compromise safety". Those of us inside the industry know those political statements to be grossly inaccurate. Because the regulator has escaped licensing, there is no legal requirement on the regulator to: maintain a particular level of safety culture, self-reporting, certification of regulatory staff, etc...

Through the licensing approval process, the regulator usurps and shares what are normally considered the proprietary rights and privileges of licensees, but it takes on none of the responsibilities that licensees carry. The regulatory approval process legally controls: which nuclear materials may be acquired, where they can be stored, used, and disposed of, who can use them, and how they can be used. When we share rights and privileges, we share responsibilities and consequences, yet only the licensee side is held responsible legally.

It's clear that the model for national regulation needs to change. For better, ie: more democratic, accountable, transparent, and responsible regulation we need to fully license the regulator, and keep everyone in the national program as responsible as the 1800 local regulators, ie: RSOs who operate hundreds of RP programs in hundreds of Canadian communities, on a face to face basis, each day.

thank you,
Steve Staniek