



# STATUS OF THE DESIGNATED OFFICER PROGRAM: 2017 and 2018

**CMD 19-M25**

October 3, 2019



# CNSC Designated Officer Program

The Designated Officer (DO) Program (DO Program) was established in 2000 with the coming into force of the *Nuclear Safety and Control Act* (NSCA).

- The Commission designates certain CNSC staff in senior positions to have statutory powers and carry out authorities under the NSCA
- DOs carry out lower risk licensing, certification and compliance decisions
  - Compliance decisions include those related to orders and Administrative Monetary Penalties (AMPs)
  - Certification decisions include those related to prescribed equipment and personnel

Like the Commission, DOs make decisions independently.

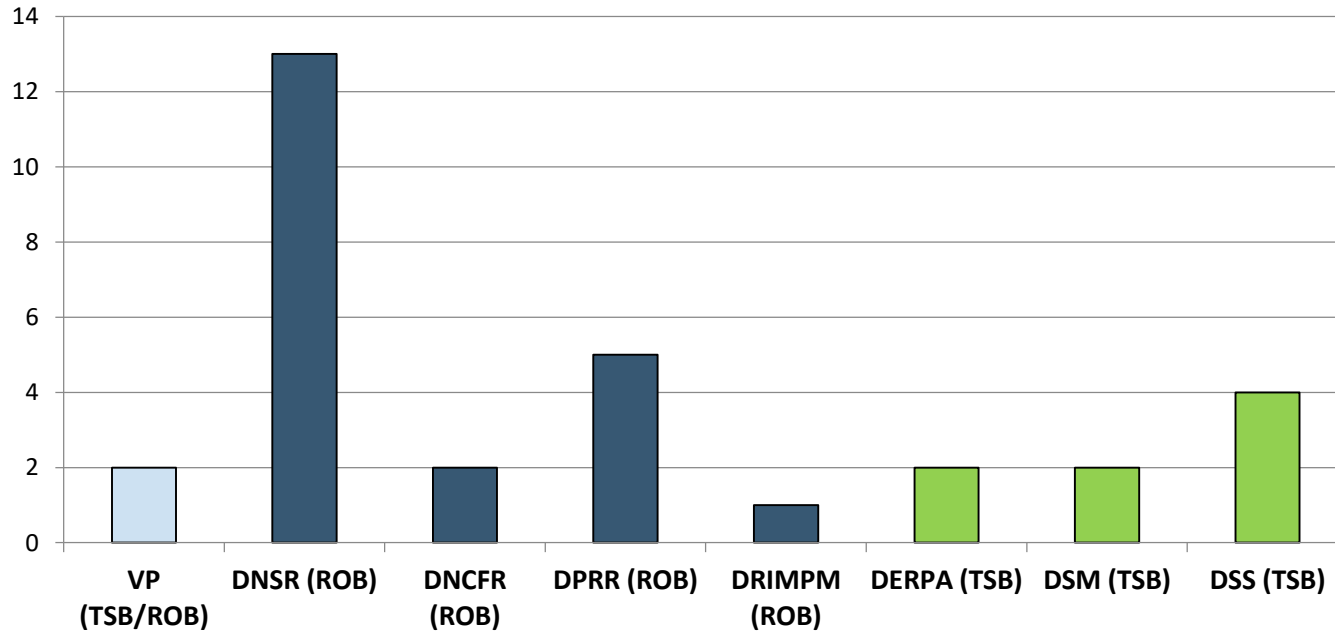
- Importance of procedural fairness considerations

**DOs are independent decision makers**



# DO Positions at the CNSC (1/3)

## Number of DO Positions by Directorate



In 2014, the Commission designated **31 DO positions**

- **22** DO positions in the Regulatory Operations Branch (ROB)
- **9** DO positions in Technical Support Branch (TSB)

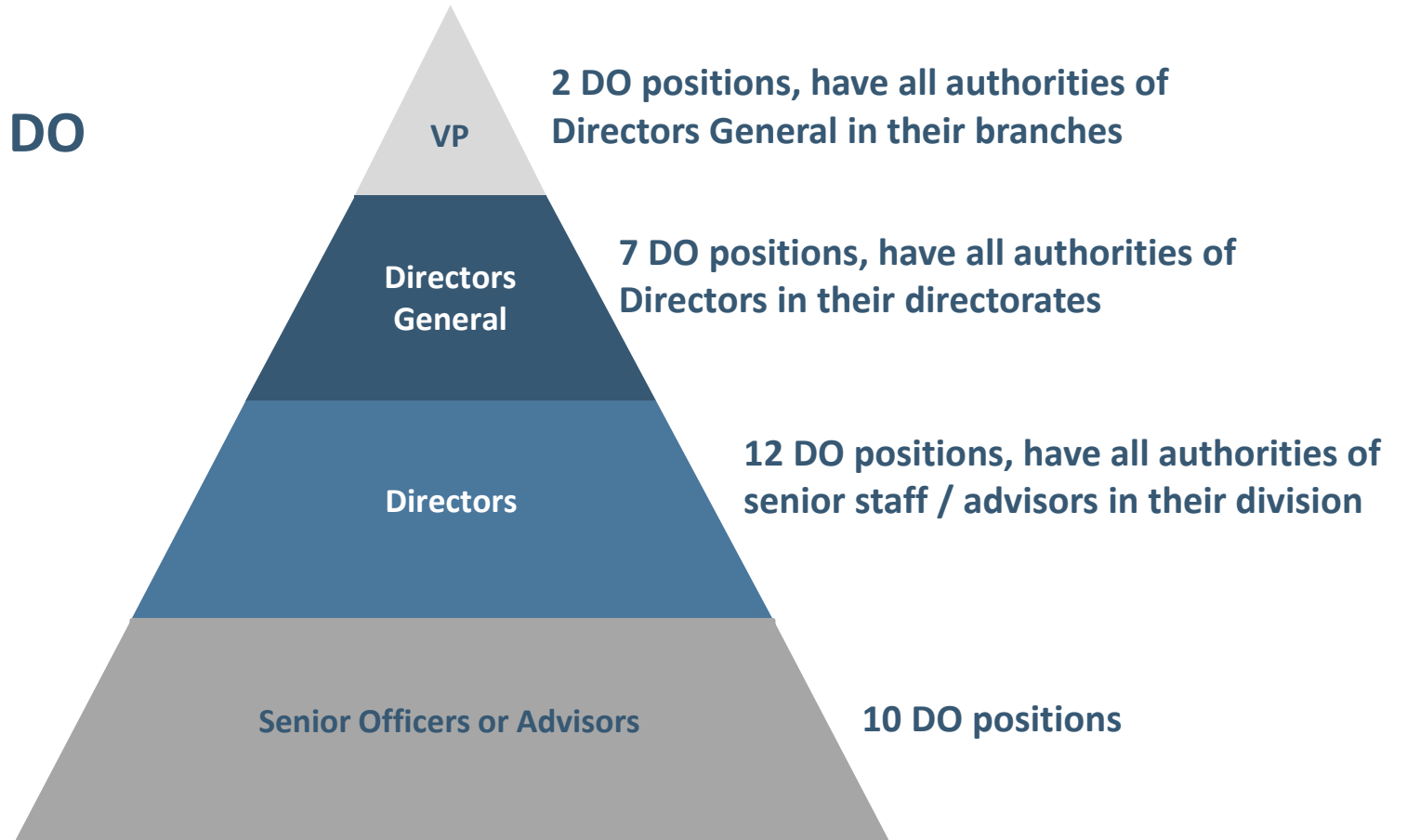


# DO Positions at the CNSC (2/3)

## Pyramid-style allocation of DO authorities

- Authorities are allocated according to position and operational responsibilities
- Ensures continuity of operations

**DO authorities are not transferable**





# DO Positions at the CNSC (3/3)

Retirements and new appointments in DO positions resulted in:

- 7 DO position staffing changes in 2017
- 8 DO position staffing changes in 2018

All new DOs completed the DO training and assistance program which includes legal and procedural briefings, self-directed learning and peer mentorship

Following a CNSC reorganization in 2018, the Commission approved the replacement of the DO position of **Director, Nuclear Reactors and Research Reactors Division** with the **Director, Canadian Nuclear Laboratories Regulatory Program Division** position

**The DO Program helps ensure that all DOs are well equipped to carry out their authorities**



# DO Authorities

DOs may carry out authorities under 37(2) and 65.05 of the NSCA

- Authorities are limited to the scope of a position; Commission authorizes these statutory powers
  - include licensing, personnel and equipment certification, inspector designations, return to work authorizations, and compliance (i.e. orders, notices of violation)
  - summary of authorities is provided in **Appendix A**
  - summary of Commission-designated DO positions and their authorities is available in **Appendix B**

Applicants and licensees may appeal a DO decision to the Commission

- Statutory requirement for an opportunity to be heard for certain DO decisions
  - must be offered in cases such as licence refusals or revocations

**DOs may be authorized to carry out licensing, certification and compliance authorities**



# DO Authorities Carried Out – 2017 (1/3)

Title of Office / Directorate	Authorities carried out under NSCA 37(2) and 65.05 in 2017								
	37(2)								65.05
	(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	
<b>Executive Vice-President and Chief Regulatory Operations Officer</b>				1					
<b>Director General, Directorate of Nuclear Substance Regulation</b>	*	*	*	*	7		19		6
Accelerators and Class II Facilities Division		37	60	245					
Nuclear Substances and Radiation Devices Licensing Division			71	1,469					
Transport Licensing and Strategic Support Division	222		52	23					
<b>Director General, Directorate of Nuclear Cycle and Facilities Regulation</b>				5	7		1		1
<b>Vice-President, Technical Support Branch</b>				1					
<b>Director General, Directorate of Environmental and Radiation Protection and Assessment</b>				8					
Radiation Protection Division								6	
<b>Director General, Directorate of Safety Management</b>		178							
Personnel Certification Division		341							
<b>Director General, Directorate of Security and Safeguards, including the Non-Proliferation and Export Controls Division</b>			870	130	9				
<b>Total (out of 3,769)</b>	<b>222</b>	<b>556</b>	<b>1,053</b>	<b>1,882</b>	<b>23</b>	<b>0</b>	<b>20</b>	<b>6</b>	<b>7</b>

See Appendix A for a summary of DO authorities under 37(2) and 65.05 of the NSCA

\*Authorities carried out by the Director General, DNSR reported under the statistics for individual divisions

Position not authorized for this DO authority

Authority not exercised in 2017



# DO Authorities Carried Out – 2017 (2/3)

## 3,713 licensing and certification authorities in 2017 including:

- 2,179 authorities by the Directorate of Nuclear Substance Regulation (DNSR)
  - 183 licences issued
  - 373 licences renewed
  - 1,014 licence amendments
  - 262 licence revocations
  - 88 licence transfers
  - 222 prescribed equipment certifications
  - 37 personnel certifications
- 519 personnel certification authorities by the Directorate of Safety Management (DSM)
- 1,000 authorities by the Directorate of Security and Safeguards (DSS)
  - 870 licences issued
  - 130 licences amended, revoked or transferred

## 56 non-licensing authorities in 2017 including:

- 25 compliance and 7 inspector designation authorities by DNSR
- 2 compliance and 7 inspector designation authorities by the Directorate of Nuclear Cycle and Facilities Regulation (DNCFR)
- 6 return to work authorizations by the Directorate of Environmental and Radiation Protection and Assessment (DERPA)
- 9 inspector designations authorities by DSS

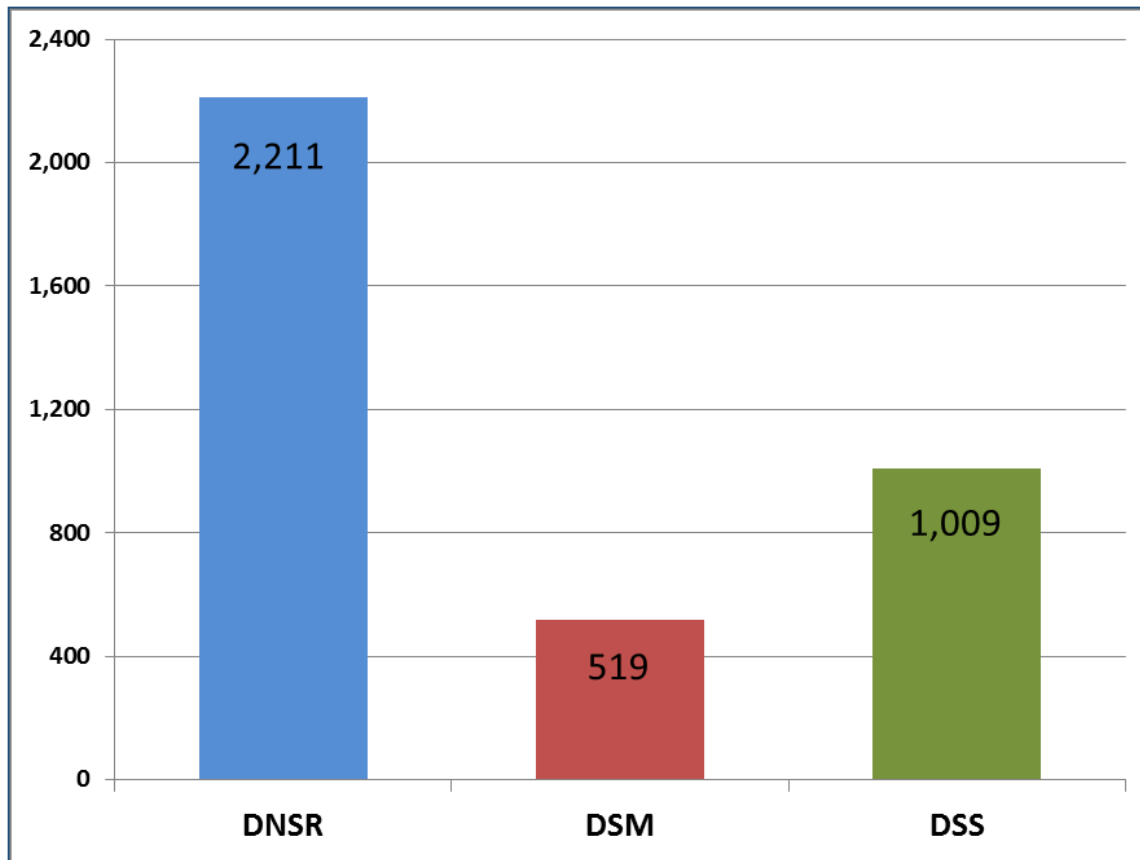
**DOs carried out 3,769  
authorities in 2017**





# DO Authorities Carried Out – 2017 (3/3)

## Directorates carrying out the largest number of authorities in 2017



Majority of authorities were carried out by:

- The Directorate of Nuclear Substance Regulation (DNSR)
- The Directorate of Safety Management (DSM)
- The Directorate of Security and Safeguards (DSS)

The other four directorates with DOs carried out an additional **30** authorities



# DO Authorities Carried Out – 2018 (1/3)

Title of Office / Directorate	Authorities carried out under NSCA 37(2) and 65.05 in 2018								
	37(2)								65.05
	(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	
<b>Executive Vice-President and Chief Regulatory Operations Officer</b>				2		1			
<b>Director General, Directorate of Nuclear Substance Regulation</b>	*	*	*	*	3		13		3
Accelerators and Class II Facilities Division		34	35	235					
Nuclear Substances and Radiation Devices Licensing Division			61	1,315			1		
Transport Licensing and Strategic Support Division	93		56	33					
<b>Director General, Directorate of Nuclear Cycle and Facilities Regulation</b>			1		10				
<b>Vice-President, Technical Support Branch</b>									
<b>Director General, Directorate of Environmental and Radiation Protection and Assessment</b>				6					
Radiation Protection Division								2	
<b>Director General, Directorate of Safety Management</b>		115							
<b>Personnel Certification Division</b>		494							
<b>Director General, Directorate of Security and Safeguards, including the Non-Proliferation and Export Controls Division</b>			780	130	7	1	1		
<b>Total (out of 3,432)</b>	<b>93</b>	<b>643</b>	<b>933</b>	<b>1,721</b>	<b>20</b>	<b>2</b>	<b>15</b>	<b>2</b>	<b>3</b>

See Appendix A for a summary of DO authorities under 37(2) and 65.05 of the NSCA

\*Authorities carried out by the Director General, DNSR reported under the statistics for individual divisions

Position not authorized for this DO authority

Authority not exercised in 2018



# DO Authorities Carried Out – 2018 (2/3)

## 3,390 licensing and certification authorities in 2018 including:

- 1,862 authorities by DNSR
  - 152 licences issued
  - 337 licences renewed
  - 920 licence amendments
  - 237 licence revocations
  - 89 licence transfers
  - 93 prescribed equipment
  - 34 personnel certifications
- 609 personnel certification authorities by DSM
- 910 authorities by the DSS
  - 780 licences issued
  - 130 licences amended, revoked or transferred

## 42 non-licensing authorities in 2018 including:

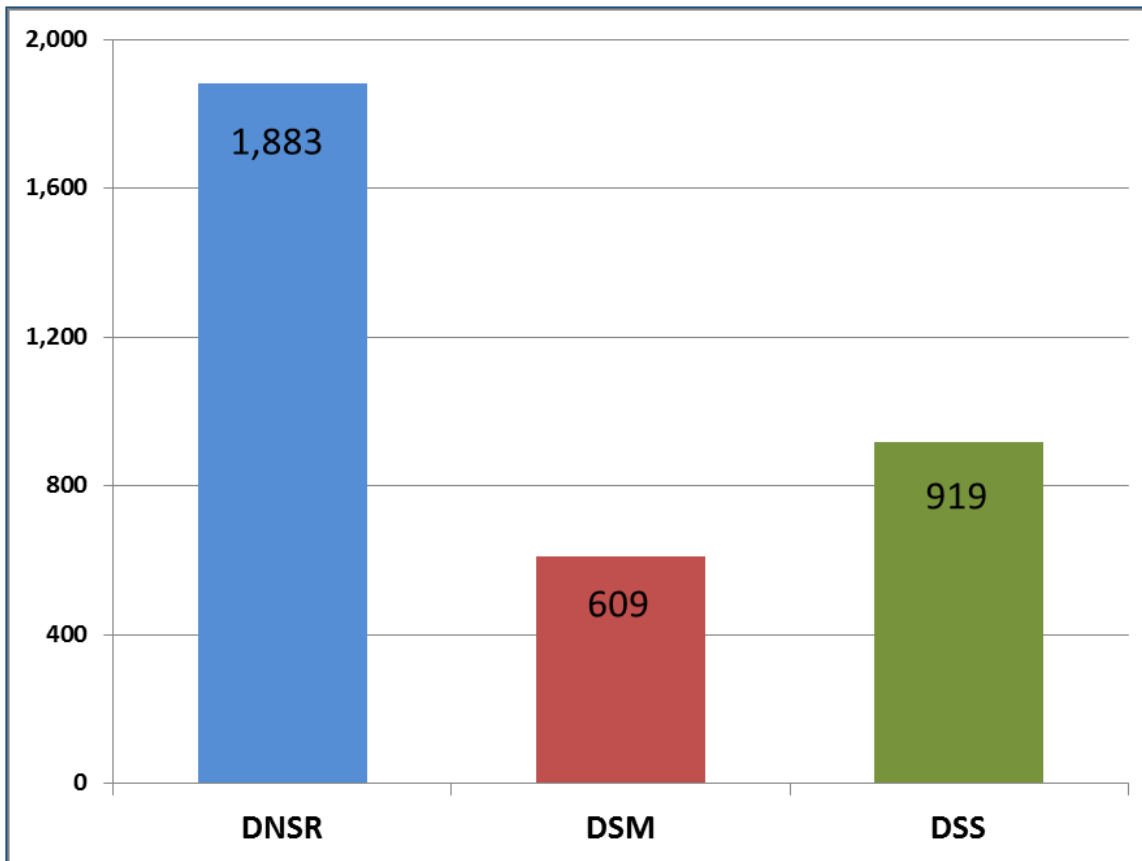
- 18 compliance and 3 inspector designation authorities by DNSR
- 2 compliance and 7 inspector designation authorities by the DNCFR
- 2 return to work authorizations by DERPA
- 7 inspector designations and 2 compliance authorities by DSS

**DOs carried out 3,432 authorities in 2018**



# DO Authorities Carried Out – 2018 (3/3)

## Directorates carrying out the largest number of authorities in 2018



As in 2017, the majority of authorities were carried out by :

- The Directorate of Nuclear Substance Regulation (DNSR)
- The Directorate of Safety Management (DSM)
- The Directorate of Security and Safeguards (DSS)

The other four directorates with DOs carried out an additional **21** authorities



# Decisions Reportable to the Commission

DOs must report to the Commission on certain decisions that they make pursuant to subsection 37(5) of the NSCA

- Licensing refusals
  - including refusals to issue, renew, suspend, amend, revoke or replace a licence, or authorize its transfer
- Issuance of a licence with a financial guarantee
- Licence renewal with a change in licence conditions, or a licence suspension, amendment, revocation or replacement without an application or the licensee's consent
- Confirmation, amendment, revocation or replacement of an inspector's order

**DO decisions reportable to the Commission pursuant to subsection 37(5) of the NSCA may deal with safety significant issues, have a substantive impact on the proponent or give rise to an opportunity to be heard**



# Reportable Decisions - 2017

In 2017, DOs made **134 decisions** that are reportable to the Commission pursuant to subsection 37(5) of the NSCA

- **3** licence renewals with amended licence conditions
- **1** licence amendments with additional conditions

- **16** inspector order confirmations
- **1** order amendment
- **1** order revocation

(More information on these decisions is in **Appendix C**)

- **112** licences with a financial guarantee issued by DNSR DOs
  - DNSR DOs also renewed, amended, revoked and transferred **1,609** licences with a financial guarantee



# Reportable Decisions - 2018

In 2018, DOs made **99 decisions** that are reportable to the Commission pursuant to subsection 37(5) of the NSCA

**2** licence renewals with amended licence conditions

- **11** inspector order confirmations
  - **1** order amendment
- (More information on these decisions is in Appendix C)

- **84** licences with a financial guarantee issued by DNSR DOs
  - DNSR DOs also renewed, amended, revoked and transferred **1,472** licences with a financial guarantee
- **1** licence with a financial guarantee issued by DNCFR
  - renewal of **2** DNCFR licences with a financial guarantee



# Administrative Monetary Penalties

## DOs issued **7** AMPs in 2017

- 1 AMP issued by DNCFR; 6 AMPs issued by DNSR
- One recipient requested a review of the facts of the violations
  - Commission determined that the recipient had committed the violation and was required to pay the AMP

## DOs issued **3** AMPs in 2018

- All 3 AMPs were issued by DNSR
- One recipient requested a review of the amount of the penalty
  - Commission determined that the amount of the penalty was calculated in accordance with regulations and that the recipient was required to pay the AMP

**Details about all AMPs are available on the CNSC website**

**All 2017 and 2018 AMP-related matters are closed**





# Annual CNSC DO Community Forum (1/2)

The first annual DO Community Forum was held in April 2018; a second forum was held in May 2019



Helping support  
a collaborative  
DO community





# Annual CNSC DO Community Forum (2/2)



- The forum brings together DOs to share their knowledge, expertise and experiences as DOs
- Annual legal and DO program refreshers
- Case studies and practical activities
- Group discussions and idea exchanges



# DO Program Improvement Initiatives (1/2)

## Process document improvements

- Making orders
- Confirming, amending, revoking or replacing inspector orders

## Training and briefings

- In-class training on making orders
- New DO briefings Continued support for DOs from CNSC Legal Service

## Improved resources for DOs

## Enhanced knowledge-sharing at the 2020 DO forums

**Continuous improvement is vital to the success of the DO Program**





# DO Program Improvement Initiatives (2/2)

## Improved DO Community internal webpage

Search...  [BORIS](#) [WEB](#)

[Français](#) [Bulletin Boards](#) [Forms](#) [Org Charts](#) [Navigator Portal](#) [CNSC Web Site](#)

[BORIS > English > Operational Activities > Designated Officer Community](#)

### The CNSC Designated Officers (DO) Community

The community is comprised of [designated officers](#) authorized by the Commission to exercise duties pursuant to the [Nuclear Safety and Control Act](#). This webpage provides information to help DOs perform their duties.

**Overview Documents:**

- [Process for Making a Designated Officer Decision](#)
- [Maintenance of Designated Officer Program](#)
- [Guidelines for Designated Officer Duties](#) (under revision)

**Process Documents and Tools by Designated Officer Authority:**

- [Certify/decertify prescribed equipment](#)
- [Certify/decertify personnel](#)
- [Issue a licence of class](#)
- [Renew, suspend, amend, revoke or replace, or authorize the transfer of a licence of class](#)
- [Designate an inspector](#)
- [Make an order](#)
- [Confirm, amend, revoke or replace an order made by an inspector](#)
- [Authorize return to work follow dose exceedance](#)
- [Issue notice of violation \(AMP\)](#)

**DO Community Forum**

- Next Forum: **2020 (date TBD)**
- [Forum Agendas](#)
- [Forum Pictures](#)

**DO COMMUNITY**

**Related Links**

- [DO Program Bulletin Board](#)
- [DO Program Documentation](#)
- [Legal Principles](#)
- [Legal Advice](#)
- [Annual Secretariat Report on DO Program](#)
- [DO Decisions Tracking](#)
- [CNSC Regulations Reference Manual](#)
- [Regulatory Actions](#)
- [Select and apply enforcement tools](#)
- [Management System](#)

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Contact [Tetyana Panichevska](#) or the [DO Program mailbox](#) with any questions, suggestions or feedback.



# Conclusions

In **2017**, DOs carried out **3,769 authorities**, including **134 decisions** that were reportable to the Commission

In **2018**, DOs carried out **3,432 authorities**, including **99 decisions** that were reportable to the Commission

Feedback from the 2018 and 2019 DO forums showed that the activities and forum were well received by the DOs; exchange of best practices

**DO Program is built on a solid foundation and continue to be a key and effective component of the CNSC's licensing and compliance framework**



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# APPENDIX A

## Summary of Designated Officer Authorities



# Summary of DO Authorities (1/2)

## Licensing and certification authorities pursuant to the NSCA

- 37(2)(a): *certify and decertify prescribed equipment for the purposes of the NSCA*
- 37(2)(b): *certify and decertify persons referred to in paragraph 44(1)(k) as qualified to carry out their duties under the NSCA or the duties of their employment, as the case may be*
- 37(2)(c): *issue, on receipt of an application referred to in subsection 24(2), a licence of a class established by the Commission*
- 37(2)(d): *renew, suspend in whole or in part, amend, revoke or replace, or authorize the transfer of, upon receipt of an application referred to in subsection 24(2), a licence of a class established by the Commission*





# Summary of DO Authorities (2/2)

## Designation and compliance (non-licensing and certification) authorities, pursuant to the NSCA

- 37(2)(e): designate any person whom the DO considers qualified as an inspector under subsection 29(1)
- 37(2)(f): *make any order that an inspector may make under subsection 35(1) or (2)*
- 37(2)(g): *confirm, amend, revoke or replace any order made by an inspector*
- 37(2)(h): *authorize the return to work of persons whose dose of radiation has or may have exceeded the prescribed radiation dose limits*
- 65.05: *Issue notices of violation (related to administrative monetary penalties)*



# APPENDIX B

## CNSC DO Positions and Authorities

## CNSC DESIGNATED OFFICER POSITIONS AND AUTHORITIES

CNSC DESIGNATED OFFICER POSITIONS AND AUTHORITIES										
Authority	Certify and decertify prescribed equipment for the purposes of the Act	Certify and decertify persons referred to in paragraph 44(1)(k) as qualified to carry out their duties under this Act or the duties of their employment, as the case may be	Issue, on receipt of an application referred to in subsection 24(2), a licence of class identified in part I, II or V of the "Classes of Licences" [CMD 01-M17]	Renew, suspend in whole or in part, amend, revoke or replace, or authorize the transfer of, upon receipt of an Application referred to in subsection 24(2), a licence of class identified in part I, II or V of the "Classes of Licences" [CMD 01-M17]	Designate any person whom the Designated Officer considers qualified as an Inspector under subsection 29(1)	Make any order that an inspector may make under subsection 35(1) or (2)	Confirm, amend, revoke or replace any order made by an Inspector	Authorize the return to work of persons whose dose of radiation has or may have exceeded the prescribed radiation dose limits	Issue notices of violations (related to Administrative Monetary Penalties)	
REGULATORY OPERATIONS BRANCH	Title of Office	37(2)(a)	37(2)(b)	37(2)(c)	37(2)(d)	37(2)(e)	37(2)(f)	37(2)(g)	37(2)(h)	65.05
	<b>Executive VP and Chief Regulatory Operations Officer</b> <i>Regulatory Operations Branch</i>	✓	✓	✓	✓	✓	✓	✓	✓	✓
	<b>Director General</b> <i>Directorate of Nuclear Substance Regulation (DNSR)</i>	✓	◆	◆	◆	◆	◆	◆	◆	◆
	<b>Director</b> <i>Accelerators and Class II Facilities Division</i>	✓	◆◆	◆◆	◆◆		◆	◆		
	<b>Senior Project Officer</b> (maximum 1 position) <i>Accelerators and Class II Facilities Division</i>			◆◆	◆◆					
	<b>Program Officer</b> (maximum 1 position) <i>Accelerators and Class II Facilities Division</i>			◆◆	◆◆					
	<b>Director</b> <i>Nuclear Substances and Radiation Devices Licensing Division</i>			◆◆	◆◆		◆	◆		
	<b>Licensing Project Officer</b> (maximum 4 positions) <i>Nuclear Substances and Radiation Devices Licensing Division</i>			◆◆	◆◆					

REGULATORY OPERATIONS BRANCH	Title of Office	37(2)(a)	37(2)(b)	37(2)(c)	37(2)(d)	37(2)(e)	37(2)(f)	37(2)(g)	37(2)(h)	65.05	
	<b>Director</b> <i>Transport Licensing and Strategic Support Division</i>	✓		◆◆	◆◆		◆	◆			
	<b>Transport Specialist</b> (maximum 1 position) <i>Transport Licensing and Strategic Support Division</i>	◆◆		◆◆							
	<b>Program Officer</b> (maximum 1 position) <i>Transport Licensing and Strategic Support Division</i>	◆◆		◆◆							
	<b>Director</b> <i>Operations Inspection Division</i>										
	<b>Director General</b> <i>Directorate of Nuclear Cycle and Facilities Regulation (DNCFR)</i>			◆	◆	◆	◆	◆		◆	
	<b>Director</b> <i>Nuclear Laboratories and Research Reactors Division</i>						◆◆				
	<b>Director General</b> <i>Directorate of Power Reactor Regulation (DPRR)</i>					◆	◆	◆		◆	
	Director Bruce Regulatory Program Division						◆◆				
	Director Pickering Regulatory Program Division						◆◆				
	Director Darlington Regulatory Program Division						◆◆				
	Director Gentilly-2/Point Lepreau Regulatory Program Division						◆◆				
	<b>Director General</b> <i>Directorate of Regulatory Improvement and Major Projects Management (DRIMPM)</i>					◆	◆	◆		◆	

Title of Office	37(2)(a)	37(2)(b)	37(2)(c)	37(2)(d)	37(2)(e)	37(2)(f)	37(2)(g)	37(2)(h)	65.05
<b>Vice-President</b> <i>Technical Support Branch</i>		✓	✓	✓	✓	✓	✓	✓	✓
<b>Director General</b> <i>Directorate of Environmental and Radiation Protection and Assessment (DERPA)</i>			◆	◆	◆	◆	◆	✓	◆
<b>Director</b> <i>Radiation Protection Division</i>								✓	
<b>Director General</b> <i>Directorate of Safety Management (DSM)</i>		◆*				◆	◆		◆
<b>Director</b> <i>Personnel Certification Division</i>		◆◆*							
<b>Director General</b> <i>Directorate of Security and Safeguards (DSS)</i>			◆	◆	◆	◆	◆		◆
<b>Director</b> <i>Non-Proliferation and Export Controls Division</i>			◆◆	◆◆					
<b>Senior Advisor</b> (maximum 2 positions) <i>Non-Proliferation and Export Controls Division</i>			◆◆	◆◆					

**Legend**

✓	Fully authorized
◆	Authority restricted to the directorate's licensing and certification mandate
◆◆	Authority restricted to the division's licensing and certification mandate
*	Decertification of NPP operators(s) will only be exercised by the VPs



# APPENDIX C

## DO Decisions on Inspector Orders

Reportable to the Commission pursuant to 37(5)(b)  
of the NSCA



# DO Decisions on Inspector Orders – 2017

Order #	Date of Issue	DO Process Status	Date Closed
834	January 11, 2017	Order confirmed on January 19, 2017	February 28, 2017
769	January 23, 2017	Order confirmed on February 3, 2017	February 20, 2017
657	January 25, 2017	Order confirmed on April 10, 2017	April 3, 2017
578	May 15, 2017	Order confirmed on June 16, 2017	June 8, 2017
576	May 18, 2018	Order confirmed on June 5, 2017	June 6, 2017
733	May 24, 2017	Order confirmed on June 16, 2017	June 19, 2017
672	June 17, 2017	Order confirmed on July 20, 2017	June 29, 2017
na	July 7, 2017	Order amended on August 2, 2017	September 15, 2017
585	August 17, 2017	Order revoked on September 11, 2017	September 7, 2017
588	August 25, 2017	Order confirmed on September 18, 2017	September 7, 2017
579	August 29, 2017	Order confirmed on September 18, 2017	September 7, 2017
573	August 31, 2017	Order confirmed on October 3, 2017	September 7, 2017
734	September 11, 2017	Order confirmed on October 5, 2017	September 21, 2017
590	September 13, 2017	Order confirmed on October 10, 2017	November 1, 2017
823	September 18, 2017	Order confirmed on October 5, 2017	October 26, 2017
591	October 4, 2017	Order confirmed on November 9, 2017	October 31, 2017
773	October 2, 2017	Order confirmed on November 10, 2017	December 1, 2017
732	October 23, 2017	Order confirmed on December 8, 2017	November 3, 2017

In **2017**, DOs made **18 decisions** that are reportable to the Commission pursuant to paragraph 37(5)(d) of the NSCA.



# DO Decisions on Inspector Orders - 2018

Order #	Date of Issue	DO Process Status	Date Closed
574	January 18, 2018	Order confirmed on February 15, 2018	April 25, 2018
843	January 23, 2018	Order confirmed on February 8 2018	February 5, 2018
668	March 1, 2018	Order confirmed on March 29, 2018	March 26, 2018
860	March 6, 2018	Order confirmed on April 3, 2018	March 29, 2018
837	April 25, 2018	Order confirmed on May 23, 2018	May 15, 2018
1206	May 11, 2018	Order confirmed on June 29, 2018	June 29, 2018
770	May 14, 2018	Order confirmed on June 28, 2018	May 22, 2018
594	May 25, 2018	Order confirmed on June 25, 2018	June 15, 2018
608	July 25, 2018	Order confirmed on September 5, 2018	August 24, 2018
609	August 30, 2018	Order confirmed on October 12, 2018	September 7, 2018
774	September 13, 2018	Order confirmed on October 12, 2018	September 25, 2018
596	October 24, 2018	Order amended on November 8, 2018	December 19, 2018

In **2018**, DOs made **12 decisions** that are reportable to the Commission pursuant to paragraph 37(5)(d) of the NSCA.