



DESIGNATED OFFICER PROGRAM UPDATE: 2022

CMD 23-M21

June 28, 2023



Presentation Outline

- CNSC Designated Officer Program (DO Program)
- Designated Positions
- DO Authorities Carried Out in 2022
- Update on DO Program Activities
- Focus on the Nuclear Substances and Radiation Devices Licensing Division

Designated Officer Program Update: 2022 (CMD 23-M21)



CNSC Designated Officer Program

- [Section 37](#) of the [Nuclear Safety and Control Act](#) (NSCA) gives the Commission the authority to designate DOs:
 - CNSC DOs are designated by title of office
 - DO Authorities include decisions on licensing, certification, and compliance
- CNSC DO Program provides training and resources that:
 - Allow for consistency in issuing and tracking DO certificates
 - Support DOs in making independent, effective, consistent, and transparent decisions
 - Support informing CNSC staff and reporting to the Commission

See [Appendix A](#) for more information on DO duties under the NSCA
See [Appendix B](#) for more information on the current DO Program activities

The DO Program exists to support DOs

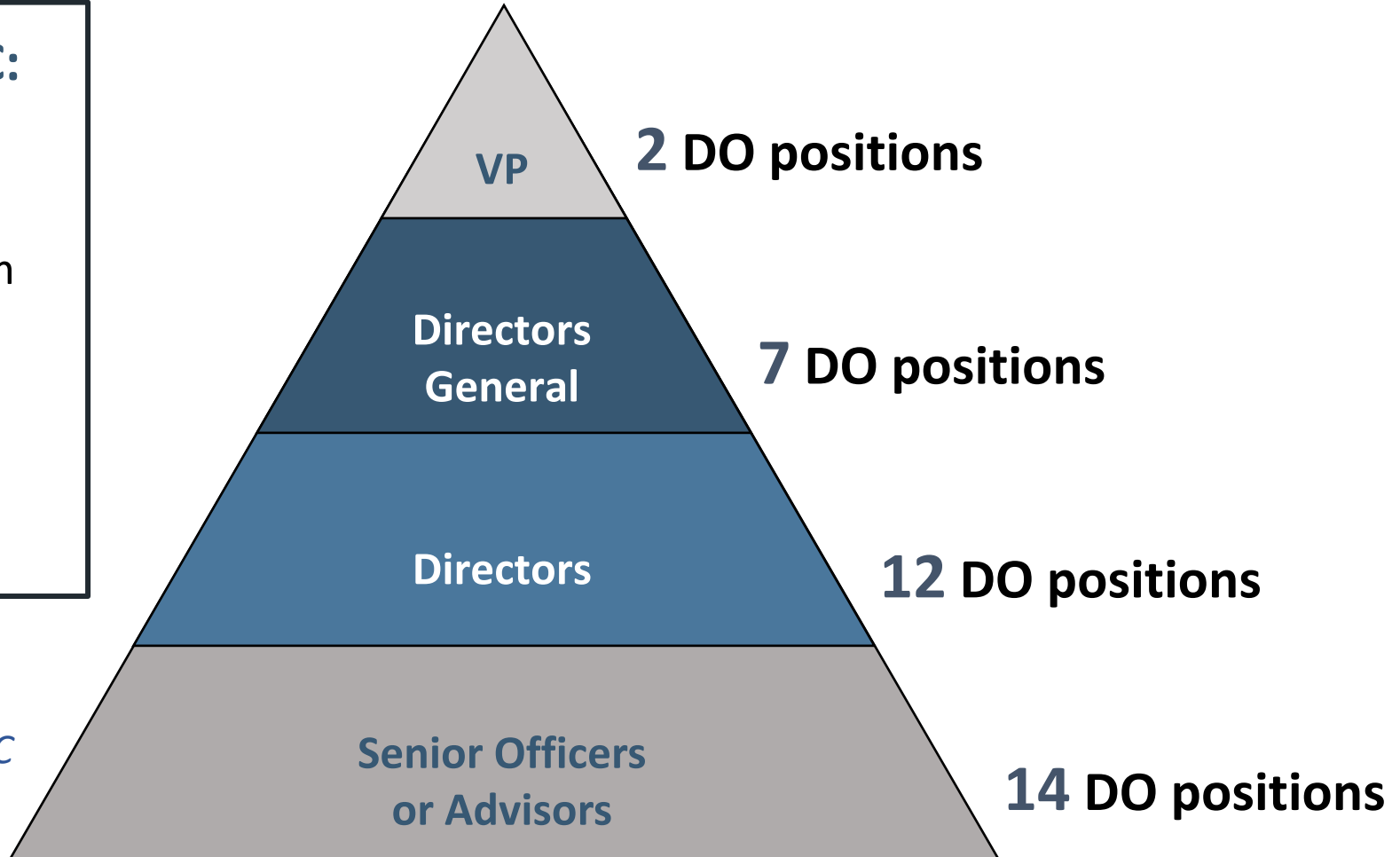


DO Positions at the CNSC

35 DO positions at the CNSC:

- Management positions are allocated the DO authorities of all positions that report to them
- DOs are issued a certificate setting out their duties
- DO authorities are not transferable

See [Appendix C](#) for more information on DO Positions and authorities at the CNSC





DO Authorities Carried Out in 2022

Total of **3,260** DO authorities:

- 569 certifications or decertification of equipment and persons
- 913 issuances of a license
- 1,749 renewed, amended, revoked, or replaced licences
- 20 designations of inspectors
- 7 confirmations of inspector orders
- 1 authorization of return to work, and
- 1 Administrative Monetary Penalty

See [Appendix D](#) for more information on DO authorities carried out in 2022



Decisions Reportable to the Commission (1/2)

The NSCA specifies DO decisions that must be reported to the Commission

- This report fulfils the reporting requirements
- The Commission Registry provides quarterly memos to the Commission with timely details on reportable DO decisions

Report to Commission

37(5) A designated officer shall report to the Commission on

- (a) a refusal by the designated officer to issue, renew, suspend, amend, revoke or replace a licence or authorize its transfer;
- (b) the issuance by the designated officer of a licence that contains the condition that the applicant provide a financial guarantee referred to in subsection 24(5);
- (c) a renewal of a licence where the terms or conditions of the licence are amended, or a suspension, amendment, revocation or replacement of a licence, other than an amendment of terms or conditions or a suspension, amendment, revocation or replacement made on the application, or with the consent, of the licensee; and
- (d) a confirmation, amendment, revocation or replacement of an order under paragraph (2)(g).



Decisions Reportable to the Commission (2/2)

In 2022, DOs made **89 decisions** reportable to the Commission

37(5)(a)

Licensing refusals (including refusals to issue, renew, suspend, amend, revoke, replace, or authorize transfer)

2 refusals to issue a licence

37(5)(b)

Issuance of a licence with a financial guarantee

80 licences issued with a financial guarantee

37(5)(c)

Licence renewal with a change in licence conditions, or a licence suspension, amendment, revocation or replacement without an application or the licensee's consent

0 duties to report

37(5)(d)

Confirmation, amendment, revocation or replacement of an inspector's order

7 inspector orders confirmed

See [Appendix E](#) for more information on these decisions.



2022 DO Program Activities

- **DO Community Forum:**
 - Allows DOs to share knowledge, expertise and experiences
 - Strengthens relationships
 - Provides updates on tools and assistance
 - Fifth DO Community Forum – May 5, 2022 ([Appendix F](#))
- **Improvements to the DO Program:**
 - Centralized DO Program under Legal and Commission Affairs Branch (LCAB)
 - Completed activities of the DO Program Self-Assessment
 - Streamlined reporting to the Commission



Supporting the DO Community



DO Focus Area – NSRDLD (1/4)

Nuclear Substances and Radiation Devices Licensing Division

- One of the four Divisions within the Directorate of Nuclear Substance Regulation
- Responsible for managing licences issued under the *Nuclear Substances and Radiation Devices Regulations*
- Works in collaboration with the Operations Inspection Division who is responsible for verifying compliance for these licensees
- 5 DOs in the Division



DO Focus Area – NSRDLD (2/4)

Divisional Workload

- NSRDLD oversees approximately 1,800 licences
- Licensing Specialists review 30 licence renewal applications per month on average
- Licensing Specialists also work on amendments, revocations, transfers and new licences
- Licensing Project Officers prepare and peer review licensing package before submitting to a DO for a decision



DO Focus Area – NSRDLD (3/4)

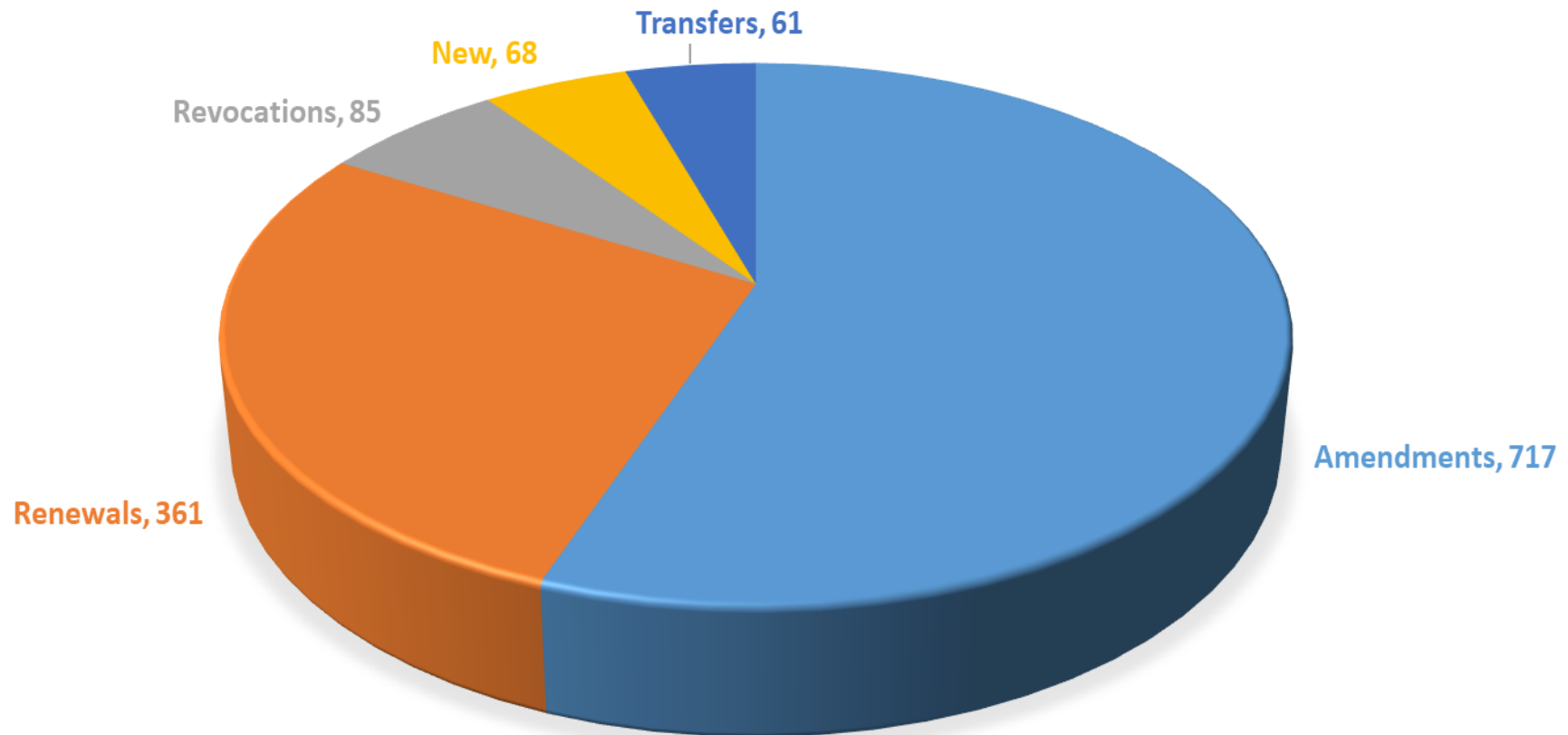
Designated Officer Considerations

- Review the licence recommendation from the Licensing Specialist
- Request additional information from Licensing specialist or applicant
- Need to be satisfied that the applicant will implement the program submitted and will ensure that doses to workers and the public are below regulatory limits
- Need to be satisfied that the applicant is qualified to undertake the licensed activities



DO Focus Area – NSRDLD (4/4)

Licensing Decisions: Total of 1,292





Conclusions

- In **2022**, CNSC DOs carried out **3,260** authorities
- **89** decisions were reportable to the Commission
- Centralized DO Program enhances and strengthens support to DOs

The DO Program is 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 designated officer considers qualified as an analyst under section 28 or 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

DO Program Overview



DO Qualifications and Training

- Self-directed learning using the internal **DO Community Webpage**
- Briefing with the VP-LCAB or designate on applicable legislation, DO decision-making, DO authorities and DO Certificate
- Briefing with the DO Program lead on DO training activities, tools and resources available to DO when carrying out DO authorities
- On-the-job coaching, peer consultations, learning of operational matters
- In-class training on DO orders

The DO program ensures that DOs continue to have the knowledge and tools needed to perform their duties



DO Program Assistance Activities and Tools

- **Program and process documents**
- **DO Community Webpage:** Main tool of the program
 - Contains existing program and process documents for all DO authorities, contacts, links to other intranet tools of the DO Program
- **DO Community Forum**
 - Provides DOs with a venue for sharing knowledge, expertise, experiences; further strengthening the relationship between members of the DO Community; offering DOs feedback on the DO program
- **DO Program Bulletin Board, DO Program Mailbox**
 - Allow to provide updates on the DO program and to obtain feedback on the DO program
- **DO decisions tracking, DO Program reports to the Commission**
- **Access to internal Legal Services / LCAB**



APPENDIX C

CNSC DO Positions and Authorities as of June 2023

CNSC DESIGNATED OFFICER POSITIONS AND AUTHORITIES

Authority		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 established by the Commission	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 established by the Commission	Designate any person whom the Designated Officer considers qualified as an inspector under subsection 29(1)	Designate any person whom the Designated Officer considers qualified as an analyst under section 28	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)(e)	37(2)(f)	37(2)(g)	37(2)(h)	65.05
	Executive VP and Chief Regulatory Operations Officer <i>Regulatory Operations Branch</i>	✓	✓	✓	✓	✓		✓	✓	✓	✓
	Director General <i>Directorate of Nuclear Substance Regulation (DNSR)</i>	✓	◆	◆	◆	◆		◆	◆		◆
	Director <i>Accelerators and Class II Facilities Division</i>	✓	◆◆	◆◆	◆◆			◆	◆		
	Senior Project Officer (maximum 3 position) <i>Accelerators and Class II Facilities Division</i>			◆◆	◆◆						
	Director <i>Nuclear Substances and Radiation Devices Licensing Division</i>			◆◆	◆◆			◆	◆		
	Licensing Project Officer (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) [designate inspectors]	37(2)(e) [designate analysts]	37(2)(f)	37(2)(g)	37(2)(h)	65.05
	Director <i>Transport Licensing and Strategic Support Division</i>	✓		◆◆	◆◆			◆	◆		
	Transport Specialist (maximum 1 position) <i>Transport Licensing and Strategic Support Division</i>	◆◆		◆◆	◆◆						
	Program Officer (maximum 1 position) <i>Transport Licensing and Strategic Support Division</i>	◆◆		◆◆	◆◆						
	Director <i>Operations Inspection Division</i>							◆	◆		
	Director General <i>Directorate of Nuclear Cycle and Facilities Regulation (DNCFR)</i>			◆	◆	◆		◆	◆		◆
	Director <i>Canadian Nuclear Laboratories Regulatory Program Division (CNLRPD)</i>							◆◆			
	Director General <i>Directorate of Power Reactor Regulation (DPRR)</i>					◆		◆	◆		◆
	Director <i>Bruce Regulatory Program Division</i>							◆◆			
	Director <i>Pickering Regulatory Program Division</i>							◆◆			
	Director <i>Darlington Regulatory Program Division</i>							◆◆			
	Director <i>Gentilly-2/Point Lepreau Regulatory Program Division</i>							◆◆			
	Director General <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) [designate inspectors)	37(2)(e) [designate analysts]	37(2)(f)	37(2)(g)	37(2)(h)	65.05
Vice-President <i>Technical Support Branch</i>		✓	✓	✓	✓	✓	✓	✓	✓	✓
Director General <i>Directorate of Environmental and Radiation Protection and Assessment (DERPA)</i>			◆	◆	◆	✓	◆	◆	✓	◆
Director <i>Radiation Protection Division</i>									✓	
Director General <i>Directorate of Safety Management (DSM)</i>		◆					◆	◆		◆
Director <i>Personnel Certification Division</i>		◆◆*								
Senior Examination and Certification Officer (max 2 positions) <i>Personnel Certification Division</i>		◆◆**								
Director General <i>Directorate of Security and Safeguards (DSS)</i>			◆	◆	◆		◆	◆		◆
Director <i>Non-Proliferation and Export Controls Division</i>			◆◆	◆◆						
Senior Advisor (maximum 3 positions) <i>Non-Proliferation and Export Controls Division</i>			◆◆	◆◆						

- 31 DO positions defined in [2014](#) (CMD 14-M24)
- 3 additional DO positions added in 2019 (CMD 19-H110)
- 1 additional DO position added in 2020 (CMD 20-H109)

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 operator(s) will only be exercised by designated DGs and VPs
**	Authorities restricted to the certification of exposure device operators



APPENDIX D

DO Authorities Carried Out (2022)



DO Authorities Carried Out – 2022 (1/2)

Title of Office / Division	Designated Officer Authorities carried out in 2022									
	37(2)								65.05	Total
	(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)		
Executive VP and Chief Regulatory Operations Officer							1			1
Director General, Directorate of Nuclear Substance Regulation					10		5			15
Accelerators and Class II Facilities Division		20	47	230						297
Nuclear Substances and Radiation Devices Licensing Division			68	1224						1292
Transport Licensing and Strategic Support Division	69		43	6						118
Operations Inspection Division										0
Director General, Directorate of Nuclear Cycle and Facilities Regulation				1			1			2
Canadian Nuclear Laboratories Regulatory Program Division										0
Director General, Directorate of Power Reactors Regulation					5				1	6
Director General, Directorate of Regulatory Improvement and Major Projects Management										0
VP, Technical Support Branch		1								1
Director General, Directorate of Environmental and Radiation Protection and Assessment				10						10
Radiation Protection Division								1		1
Director General, Directorate of Safety Management		116								116
Personnel Certification Division		363								363
Director General, Directorate of Security and Safeguards					5					5
Non-Proliferation and Export Controls Division			755	278						1033
Total	69	500	913	1749	20	0	7	1	1	3260

See [Appendix C](#) for a summary of DO authorities under 37(2) and 65.05 (AMPs) of the NSCA

Position not authorized for this DO authority

Authority not exercised in 2022

Number of times duty carried out in 2022



DO Authorities Carried Out – 2022 (2/2)

3,231 licensing and certification authorities in 2022 including:

- 1,707 authorities by DNSR DOs
 - 158 licences issued
 - 380 licences renewed
 - 890 licence amendments
 - 129 licence revocations
 - 61 licence transfers
 - 69 prescribed equipment certification
 - 20 personnel certifications
- 1,033 authorities by DSS DOs
 - 755 licences issued
 - 278 licences amended or transferred
- 479 personnel certification authorities by DSM DOs
- 10 licence renewal, amendment, or revocation authorities by DERPA DOs
- 1 licence renewal authority by DNCFR DO
- 1 personnel decertification authority by VP TSB

29 non-licensing/certification authorities in 2022 including:

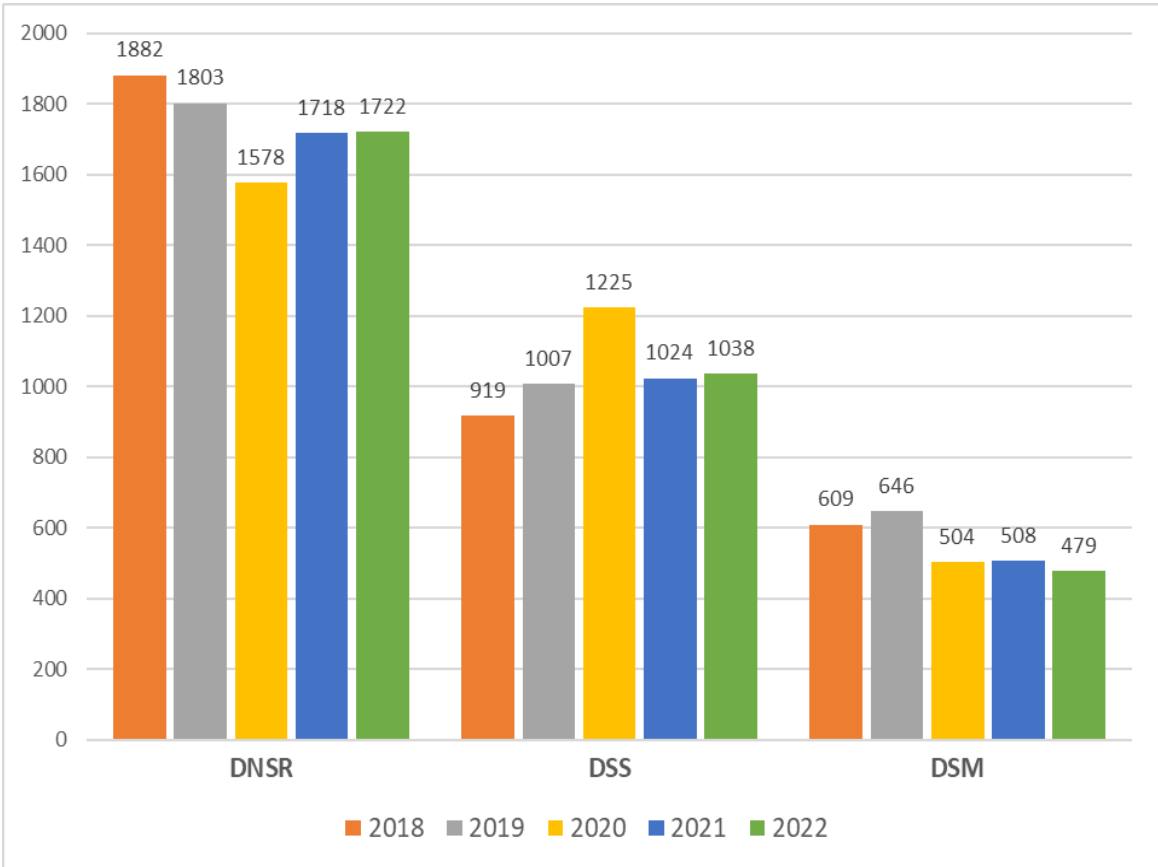
- 5 compliance and 10 inspector designation authorities by DNSR DOs
- 1 compliance and 5 inspector designation authorities by DPRR DOs
- 5 inspector designation authorities by DSS DOs
- 1 return to work authorization authority by DERPA DO
- 1 compliance authority by DNCFR DO
- 1 compliance authority by VP ROB

**DOs carried out 3,260
authorities in 2022**

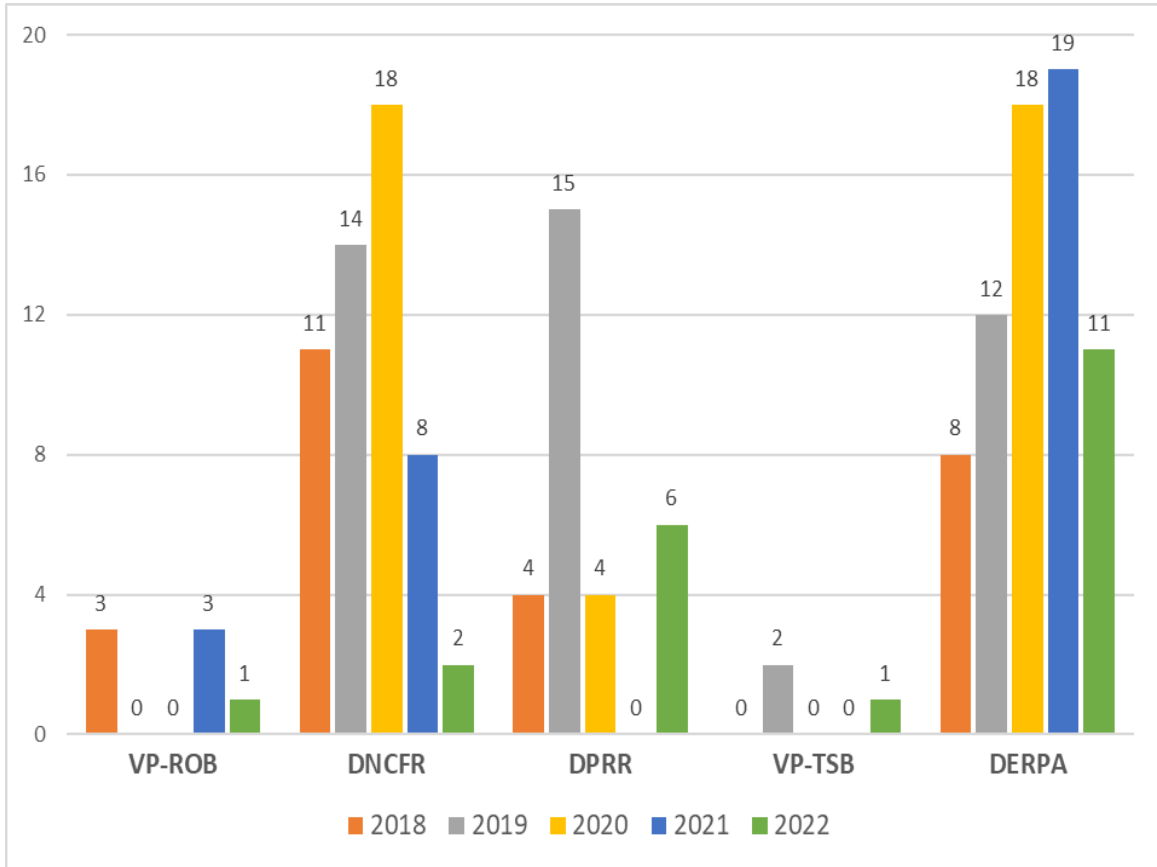


2022 DO Authorities vs Previous Years

Directorates carrying out the largest number of DO authorities in 2022



DO authorities carried out by remaining five directorates/branches





APPENDIX E

DO Decisions Reportable to the Commission

Pursuant to subsection 37(5) of the NSCA



37(5) DO Decisions for 2022 (1/3)

37(5)(a)	37(5)(b)
<p>2 refusals to issue an export licence by DOs in the Non-Proliferation and Export Controls Division</p> <p>On the basis that the proposed export would be inconsistent with the measures which Canada has adopted with respect to the implementation of Canada's international obligations on the non-proliferation of nuclear weapons or other nuclear explosive devices.</p>	<p>80 licences issued with a financial guarantee:</p> <ul style="list-style-type: none">• 31 by the Accelerators and Class II Facilities Division DOs• 49 by the Nuclear Substances and Radiation Devices Licensing Division DOs



37(5) DO Decisions for 2022 (2/3)

37(5)(d)

5 inspector orders* confirmed by DOs in the Directorate of Nuclear Substance Regulation:

Order #	Date of DO Decision	Date of Order	DO Decision	Licence#	Licensee
1235	2022-09-15	2022-08-11	Confirmed	12508-2-25.1	R.M. Belanger Limited
1142	2022-10-12	2022-08-18	Confirmed	14733-1-22.0	JR's Salvage and Son Ltd.
600	2022-10-12	2022-08-30	Confirmed	13102-1-22.1	KCS Plastics Ltd.
1022	2022-12-05	2022-10-25	Confirmed	14000-1-22.1	Aurora Inspection Limited
545	2022-12-23	2022-11-17	Confirmed	10641-1-23.1	Labcan (1989) Ltée

* Further information on the inspector orders made in 2022 will be included in the 2022 Regulatory Oversight Report applicable to that licensee



37(5) DO Decisions for 2022 (3/3)

37(5)(d) continued

1 inspector order* confirmed by the Executive Vice President and Chief Regulatory Operations Officer, Regulatory Operations Branch:

Order #	Date of DO Decision	Date of Order	DO Decision	Licence#	Licensee
6656254	2022-11-23	2022-10-28	Confirmed	UML-MINECIGAR.00/2031	Cameco Corporation

37(5)(d)

1 inspector order* confirmed by DO in the Directorate of Nuclear Cycle and Facilities Regulations:

Order #	Date of DO Decision	Date of Order	DO Decision	Licence#	Licensee
6792236	2022-06-13	2022-05-06	Confirmed	WNSL-W5-3101.1/2034 and WSNL-W5-3100.0/2036	Ovintiv Canada ULC

* Further information on the inspector orders made in 2022 will be included in the 2022 Regulatory Oversight Report applicable to that licensee



APPENDIX F

2022 DO Community Forum



2022 DO Forum

Agenda

Subject/ Objet	Designated Officers Community Forum 2022 / Forum de la communauté des fonctionnaires désignés 2022	
Date	THURSDAY, MAY 5, 2022 / JEUDI LE 5 MAI 2022	
Time / Heure	09:00 AM – 12:00 PM	Duration/Durée: 3 hrs
Agenda ~ Ordre du jour	1.	Welcome, Opening Remarks / Bienvenue, message d'ouverture L. Thiele (LCAB VP / DGAJC VP) 09h00 – 09h15
	2.	Update on Designated Officer Program / mise à jour du programme FD T. Panichevska (Registry / Greffe de la Commission) (E-doc 6783546) 09h15 – 9h45
	3.	Case Study #1 – Issuing an Order to a Non-Licensee / Emission d'un ordre à un non-titulaire de permis K. Owen-Whitred (DNSR / DRSN) (E-doc 6776627) 9h45 – 10h15
	4.	Break / Pause 10h15 – 10h30
	5.	Case Study #2 – Export Controls to Russia: New DO Considerations / Étude de cas #1 - Contrôles à l'exportation en Russie : nouvelles considérations pour FD D. Reinholz (DSS-NPECD / DSG-DNPCE) (E-doc 6785652) 10h30 – 11h00
	6.	Legal Matters Related to DO Authorities / questions juridiques liées aux autorités des FD R. Ringer / C. Maheux (LCAB / DGAJC) (E-doc 6782112 (English) / 6788624 (French)) 11h00 – 11h45
	7.	Wrap up / Sommaire de la journée T. Panichevska (Registry / Greffe de la Commission) 11h45 – 12h00



2022 DO Community Forum - discussions

Fifth DO Community Forum May 5, 2022

- Third virtual forum
- Importance of having regular DO Community Forums
- Value of partnership with Legal Services
- Considerations in DO decision making



Supporting a collaborative DO Community