



DESIGNATED OFFICER PROGRAM UPDATE: 2023

CMD 24-M14 May 22, 2024



- CNSC Designated Officer Program (DO Program)
- Designated Positions
- DO Authorities Carried Out in 2023
- Update on DO Program Activities
- Focus on the Personnel Certification Division



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 enforcement

The 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 <u>Appendix A</u> for more information on DO duties under the NSCA
See <u>Appendix B</u> for more information on the current DO Program activities

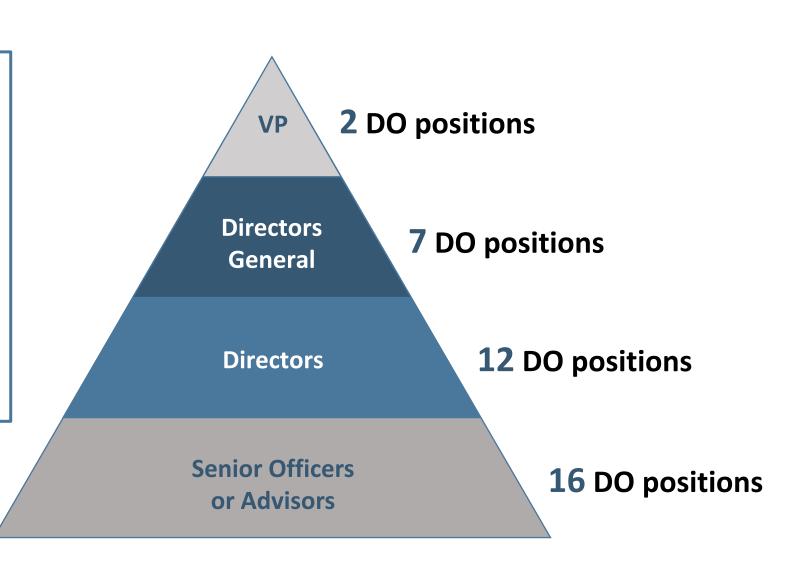
The DO Program exists to support DOs

DO Positions at the CNSC

37 DO positions at the CNSC

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

See <u>Appendix C</u> for more information on DO Positions and authorities at the CNSC





DO Authorities Carried Out in 2023

Total of 3,244 DO decisions

- 734 certifications of prescribed equipment and persons
- 916 issuances of a license
- 1,543 renewed, amended, revoked, and transferred licences
- 30 designations of inspectors
- 2 designations of analysts
- 1 DO order
- 12 confirmations and amendments of inspector orders
- 1 authorization of return to work; and
- 5 Administrative Monetary Penalties



Decisions Reportable to the Commission (1/2)

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

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).

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



Decisions Reportable to the Commission (2/2)

In 2023, DOs made **96 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 and renew a licence

37(5)(b)

Issuance of a licence with a financial guarantee

82 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

12 inspector orders confirmed or amended



2023 DO Program Activities

DO Community Forum

- Allows DOs to share knowledge, expertise and experiences
- Strengthens relationships
- Provides updates on tools and assistance
- Sixth DO Community Forum May 11, 2023

(See <u>Appendix F</u> for more information on the DO Community Forum)

Improvements to the DO Program

- DO Program Self-Assessment completed Program works
 - Examples of implemented improvements:
 - Streamlined reporting to the Commission
 - Centralized DO Program documentation on the CNSC Management System

(See <u>Appendix G</u> for more information on DO Program improvements)





DO authorities for persons acting in and out of DO positions

- Persons acting in a DO position may exercise DO duties of position when:
 - Acting appointments are long-term (3 months or longer)
 - Actors' qualification confirmed by hiring managers
- Actors receive DO certificates, confirming DO authorities, and take DO training
- Persons acting out of DO positions may exercise DO duties of substantive position
- Hiring manager determines whether the actor or the person acting out of the position exercises DO authorities

DO authorities when 2 people are holding the same title of office

- For succession planning and knowledge transfer, there may be periods when two individuals hold a title of office for a designated position
- Only one person can carry out DO duties in any DO position
- Hiring manager confirms which of the two exercises DO authorities

Effective dates for exercising DO duties

- DOs may exercise DO authorities on the date of appointment
- DO certificates are valid on the appointment date and expire when the person no longer occupies the position or there is a change to the authorized duties of the position

DO Program ensures necessary coverage of DO functions, and no excess of the number of DOs

What we heard following the 2020 DO Program Update

- Commission interest in further details of specific DO authorities
- Questions regarding the DO decision making process

Personnel Certification Division

- One of the four Divisions within the Directorate of Safety Management (DSM)
- Responsible for the personnel certification of Class IA Reactor facility workers and of Exposure Device Operators (EDOs)
 - Class I Nuclear Facilities Regulations
 - Nuclear Substances and Radiation Devices Regulations
- 4 DOs within DSM with the authority to make DO decisions for the Division, including DSM DG
 - Need to be satisfied that the worker can safely and competently perform the duties before granting a certification which is valid for 5 years



Class IA Reactor facility, Personnel Certification Requirements Overview

Governed by REGDOC-2.2.3, Personnel Certification, Volume III: Certification of Reactor Facility Workers, Version 2

- Initial certification requirements: training, knowledge-based certification examinations, performance-based certification examination, work under supervision and management interview
- Renewal of certification requirements: continuing training, knowledge-based requalification testing, performance-based requalification testing, minimum employment
- PCD Examination and Certification Officers (ECOs) review certification applications against regulatory requirements and prepare a recommendation to a DO for a final decision

EDOs, Personnel Certification Requirements Overview

Governed by CSA PCP-09 Exposure Device Operator Personnel Certification Guide - Revision 1

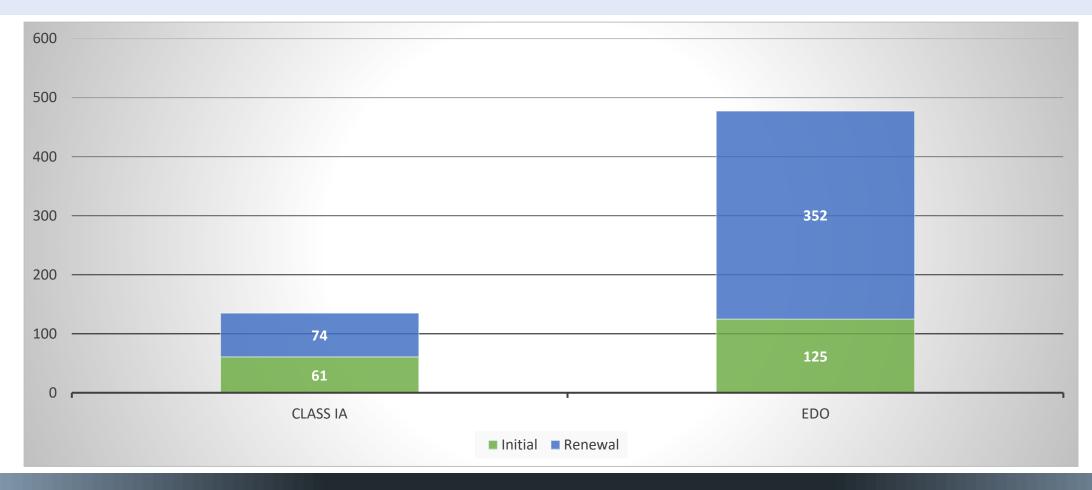
- Initial certification requirements: vocational training, on-the job training, practical examination, written examination
- Renewal of certification requirements: continuing training, continuous work experience, practical examination
- PCD ECOs review certification applications against regulatory expectations and prepare a recommendation to a DO for a final decision

Designated Officer Considerations

- Reviews the certification application and the personnel certification recommendation from the PCD ECO
 - Ensures all applicable regulatory requirements are met
- Requests additional information to the PCD ECO if needed
- Needs to be satisfied that the worker possesses the necessary knowledge and can perform the duties of the position safely and competently



Personnel Certification Decisions in 2023



The EDO population >> number of certified staff employed at Class IA facilities

- In 2023, CNSC DOs carried out 3,244 authorities
- 96 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



Connect With Us

Join the conversation



nuclearsafety.gc.ca













Summary of Designated Officer Authorities

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

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)



DO Program Overview



- 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 certification
- DO Community Webpage: Main tool of the Program
 - Contains existing Program and process documents for all
 DO authorities, contacts, links to other 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 and obtain feedback on the DO Program
- DO decisions tracking, DO Program reports to the Commission
- Access to internal Legal Services / LCAB

CNSC DO Positions and Authorities as of April 2024

CNSC DESIGNATED OFFICER POSITIONS AND AUTHORITIES

Renew, suspend in whole or in

	Authority	Certify and decertify prescribed equipment for the purposes of	out their duties	Issue, on receipt of an application referred to in subsection 24(2), a licence of class established by the Commission	application referred to in subsection 24(2), a licence of class	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)
	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 Regulatory Operations Branch	√	✓	√	√	√		√	√	√	√
NS BRANCH	Director General Directorate of Nuclear Substance Regulation (DNSR)	√	•	*	•	•		•	•		*
PERATIONS	Director Accelerators and Class II Facilities Division	√	**	**	**			•	•		
EGULATORY OF	Senior Project Officer/Senior Program Officer (maximum 3 positions) Accelerators and Class II Facilities Division			**	**						
REG	Director Nuclear Substances and Radiation Devices Licensing Division			**	**			•	•		
	Licensing Project Officer (maximum 4 positions) Nuclear Substances and Radiation Devices Licensing Division			**	**						

	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 Transport Licensing and Strategic Support Division	✓		**	**			•	•		
	Senior Certification Engineer (maximum 4 positions) Transport Licensing and Strategic Support Division	**		**	**						
I	Director Operations Inspection Division							•	•		
BRANC	Director General Directorate of Nuclear Cycle and Facilities Regulation (DNCFR)			•	•	•		•	•		•
LIONS	Director Canadian Nuclear Laboratories Regulatory Program Division (CNLRPD)							**			
RY O	Director General Directorate of Power Reactor Regulation (DPRR)					•		•	•		•
ULATO	Director Bruce Regulatory Program Division							**			
REG	Director <i>Pickering Regulatory Program Division</i>							**			
	Director Darlington Regulatory Program Division							**			
	Director Point Lepreau Regulatory Program Division							**			
	Director General Directorate of Advanced Reactor Technologies (DART)					•		•	•		•

	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
	VP and Chief Science Officer Technical Support Branch		√	✓	✓	✓	✓	√	√	✓	√
	Director General Directorate of Environmental and Radiation Protection and Assessment (DERPA)			*	*	*	✓	•	•	√	•
Ž	Director Radiation Protection Division									✓	
PORT	Director General Directorate of Safety Management (DSM)		•					*	*		•
_	Director Personnel Certification Division		* *								
N Z I	Senior Examination and Certification Officer (maximum 2 positions) Personnel Certification Division		♦ ♦ **								
	Director General Directorate of Security and Safeguards (DSS)			•	•	•		*	*		•
	Director Non-Proliferation and Export Controls Division			**	**						
	Senior Advisor (maximum 3 positions) <i>Non-Proliferation and Export Controls Division</i>			**	**						

- 31 DO positions defined in $\underline{2014}$ (CMD 14-M24)
- 3 additional DO positions added in 2019 (CMD 19-H110)
- 1 additional DO position added in 2020 (CMD 20-H109)
- 2 additional DO positions added in 2024 (CMD 24-H106)

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 designated DGs and VPs
**	Authorities restricted to the certification of exposure device operators

DO Authorities Carried Out in 2023

CNSC CCS

DO Authorities Carried Out – 2023 (1/2)

	Designated Officer Authorities carried out in 2023									
Title of Office / Division	37(2)							65.05		
	(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	65.05	Total
Executive VP of Regulatory Operations Branch and Chief Regulatory						1			1	2
Operations Officer									+	
Director General, Directorate of Nuclear Substance Regulation					3		6		3	12
Accelerators and Class II Facilities Division		20	41	229			3			293
Nuclear Substances and Radiation Devices Licensing Division			62	1090						1152
Transport Licensing and Strategic Support Division	102		28	1						131
Operations Inspection Division										0
Director General, Directorate of Nuclear Cycle and Facilities				2			_			4.5
Regulation			2	3	8		2		1	16
Canadian Nuclear Laboratories Regulatory Program Division										0
Director General, Directorate of Power Reactors Regulation					14					14
Director General, Directorate of Advanced Reactor Technologies										0
VP of Technical Support Branch and Chief Science Officer					2		1			3
Director General, Directorate of Environmental and				_						_
Radiation Protection and Assessment				7						/
Radiation Protection Division								1		1
Director General, Directorate of Safety Management		117								117
Personnel Certification Division		495								495
Director General, Directorate of Security and Safeguards					5					5
Non-Proliferation and Export Controls Division			783	213						996
Total	102	632	916	1543	32	1	12	1	5	3244

See <u>Appendix C</u> 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 2023

Number of times duty carried out in 2023



DO Authorities Carried Out – 2023 (2/2)

3,193 licensing and certification authorities in 2023 including

- 1,573 authorities by DNSR DOs
 - 131 licences issued
 - 371 licences renewed
 - 759 licence amendments
 - 125 licence revocations
 - 65 licence transfers
 - 102 prescribed equipment certifications
 - 20 personnel certifications
- 996 authorities by DSS DOs
 - 783 licences issued
 - 213 licences amended or revoked
- 612 personnel certifications by DSM DOs
- 7 licence amendments by DERPA DO
- 2 licences issued and 3 licences renewed or amended by DNCFR DO

51 non-licensing/certification authorities in 2023 including

- 3 inspector designations, 9 inspector orders confirmations or amendments, and 3 AMPs issued by DNSR DOs
- 14 inspector designations by DPRR DO
- 8 inspector designations, 2 inspector orders confirmations, and 1 AMP issued by DNCFR DO
- 5 inspector designations by DSS DO
- 2 analyst designations and 1 inspector order amendment by the DO as the VP TSB
- 1 DO order and 1 AMP issued by the DO as the VP ROB
- 1 return to work authorization by DERPA DO

DOs carried out 3,244 authorities in 2023



Administrative Monetary Penalties (AMPs)

Section 65.05 of the NSCA allows the issuance AMPs to an individual or a corporation

• Up to \$20,000 for individuals and up to \$100,000 for corporations

DO Orders

Paragraph 37(2)(f) allows authorized DOs to make orders

Orders made by a DO must be referred to the Commission

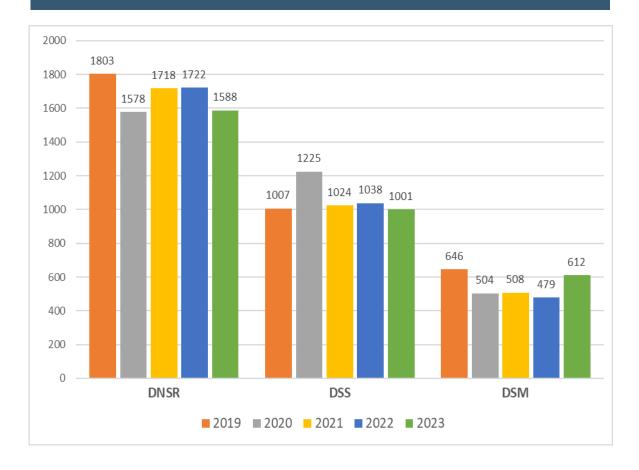
	2019	2020	2021	2022	2023
AMPs	0	2	1	1	5
DO Orders	1	0	3	0	1

Details about AMPs and DO orders are available on the CNSC website

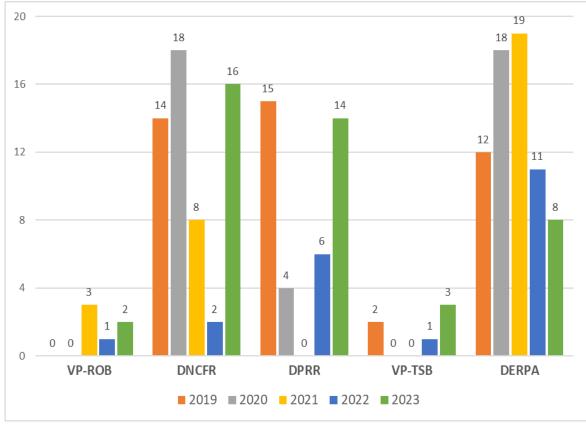


2023 DO Authorities vs Previous Years

Directorates carrying out the largest number of DO authorities in 2023



DO authorities carried out by remaining five directorates and VPs





2023 DO Decisions Reportable to the Commission

Pursuant to subsection 37(5) of the NSCA



37(5) DO Decisions for 2023 (1/3)

37(5)(a)	37(5)(b)
1 refusal to issue an export licence by DO in the Non- Proliferation and Export Controls Division 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	 82 licences issued with a financial guarantee 30 by the Accelerators and Class II Facilities Division DOs 50 by the Nuclear Substances and
1 refusal to renew a licence by DO in the Nuclear Substances and Radiation Devices Licensing Division	Radiation Devices Licensing Division DOs
Because the DO determined that the applicant was not qualified to carry out the licensed activities required in accordance with subsection 24(4) of the NSCA	• 2 by the Directorate of Nuclear Cycle and Facilities Regulation DO

37(5) DO Decisions for 2023 (2/3)

37(5)(d)
9 inspector orders* confirmed or amended by DOs in the Directorate of Nuclear Substance Regulation

Order#	Date of DO Decision	Date of Order	DO Decision	Licence#	Licensee
0601	2023-02-02	2023-01-05	Confirm	16798-1-22.3	MDG Contracting Services Inc.
1303	2023-03-15	2023-02-14	Confirm	05963-1-25.0	Carmeuse Lime (Canada) Limited
0604	2023-03-28	2023-02-27	Confirm	60540-1-23.1	PrairieGeo Engineering Ltd.
1657	2023-04-13	2023-03-15	Confirm	14404-1-25.0	AR Geotechnical Engineering Ltd.
1145	2023-04-24	2023-03-29	Confirm	11809-1-26.0	Irving Paper Limited
1023	2023-08-28	2023-07-27	Confirm	09514-2-25.0	Border Paving Ltd.
1169	2023-10-23	2023-09-29	Confirm	14315-1-25.0	Groupe ABS Inc.
1015	2023-11-09	2023-09-28	Amend	14291-2-24.0	Nortech Advanced NDT Ltd.
1168	2023-12-01	2023-11-15	Confirm	13424-1-24.1	Impala Canada Ltd.

^{*} Further information on the inspector orders made in 2023 will be included in the 2023 Regulatory Oversight Report applicable to that licensee

37(5)(d) continued

2 inspector orders* confirmed by the Directorate of Nuclear Cycle and Facilities Regulation DO

Order #	Date of DO Decision	Date of Order	der DO Decision Licence#		Licensee
7040506	2023-07-25	2023-05-24	Confirm	WNSL-W2-3750.00/2022	Mississauga Metals & Alloys Inc. (MMA) and Mr. David Sharpe
7153977	2023-11-15	2023-10-26	Confirm	UML-MINEMILL-RABBIT.01/2023	Cameco Corporation

^{*}Further information on the inspector orders made in 2023 will be included in the 2023 Regulatory Oversight Report applicable to that licensee.

37(5)(d)

1 inspector order amended by the DO in the position of VP TSB and Chief Science Officer (Protected B)

Order #	Date of DO Decision	Date of Order	Licensee	Comments
0539	2023-05-02	2022-12-05	Hydro- Québec	See: Order issued to Hydro-Québec — Gentilly-2 nuclear facilities (cnsc- ccsn.gc.ca)



2023 DO Community Forum



Agenda

Subject/ Objet		Designated Officers Community Forum de la communauté des fonction		
Date	THUR			
Time / Heure	1:15 F	urée: 3 hrs		
	1.	Welcome, Opening Remarks / Bienvenue, d'ouverture T. Panichevska (Registry / Greffe de la Comr	-	13h15 – 13h30
	2.	When a licence renewal goes not as planned renouvellement de permis ne va pas comme S. Faille (DNSR / DRSN) (E-doc 7025099 (English) / 7031470 (French	13h30 – 13h55	
Agenda	3.	Legal considerations for DO authorities and of Considérations relatives aux SJ pour les autorities certificats de FD R. Ringer / (LCAB / DGAJC). Presentation may upon request / La présentation peut être fournie s	13h55 – 14h40	
Ordre	4.		14h40 – 14h50	
du jour	5.	Inadequate Control of Quarantined Items / Control inadéquat d'articles mis en quarantaine M. Hornof, J. Stevenson (DPRR / DRCN) (E-doc 6996240)	ontrôle	14h50 – 15h25
	6.	Judicial Scrutiny of Designated Officer Decisi contrôle judiciaire des décisions des fonction désignés S. Chari (LCAB / DGAJC). Presentation may b upon request / La présentation peut être fournie s	15h25 – 16h05	
	7.	Wrap up / Sommaire de la journée T. Panichevska (Registry / Greffe de la Comr	mission)	16h05 – 16h15



2023 DO Community Forum - discussions

Sixth DO Community Forum May 11, 2023

- Fourth virtual forum
- Highlights
 - Virtual, shorter format of the Forum continues to work well
 - Emphasized importance of robust welldocumented processes and timely advice from Legal Services





2023 DO Program Improvements

DO Program Self-Assessment Completed – Program is well run and works for DOs

Implemented enhancements - Examples

- Quarterly memos on reportable DO decisions
- Earlier annual DO Program reports to the Commission
- Centralized DO Program documentation on the CNSC Management System/Navigator Portal
- Shorter DO Community Forums facilitated by the DO Program lead
- Update on the implementation of DO function
- Improved communication with DOs

Upcoming Improvements - Examples

- DO Program FAQs and welcome package for new DOs
- Lunch & Learn, DO information sessions, information package for admin assistants, additional information on the CNSC external site to strengthen the communication on the DO Program
- Updated information on the DO Community page on BORIS
- Simplified DOs contribution for the quarterly memos and annual reports to the Commission

Other improvements

- Approved DO positions changed due to CNSC organizational changes
- Consistent licence template