



Record of Decision

DEC 24-H106

In the Matter of

Designation of 2 Additional Designated Officers
by Title of Office for the Transport Licensing
and Strategic Support Division

Date of
Decision

March 21, 2024

RECORD OF DECISION – DEC 24-H106

Purpose: Designation of 2 Additional Designated Officers by Title of Office for the Transport Licensing and Strategic Support Division

Date of decision: March 21, 2024

Panel of Commission: T. Berube, Acting President

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Decision: 2 additional Senior Certification Engineer positions in the Transport Licensing and Strategic Support Division designated as designated officer positions by title of office

1.0 INTRODUCTION

1. The Transport Licensing and Strategic Support Division (TLSSD), in the Directorate of Nuclear Substance Regulation (DNSR) of the Canadian Nuclear Safety Commission¹, has identified a need for 2 additional designated officers (DOs). CNSC staff recommended that the Commission consider designating 2 additional Senior Certification Engineer positions in TLSSD as DOs by title of office.
2. Pursuant to subsection 37(1) of the *Nuclear Safety and Control Act*² (NSCA), the Commission may designate by title of office any person whom the Commission considers qualified as a DO. Additionally, pursuant to subsection 37(2) of the NSCA, the Commission may authorize DOs to carry out certain duties. The Commission has previously designated 3 persons by title of office to be DOs in TLSSD – the Director, TLSSD, and two Senior Certification Engineers.

Issue

3. The Commission is considering the designation as DOs of 2 additional Senior Certification Engineer positions by title of office pursuant to subsection 37(1) of the NSCA, and the duties that the DO positions would be authorized to carry out pursuant to subsection 37(2) of the NSCA.
4. According to subsection 37(1) of the NSCA:

The Commission may designate, by name, title of office or class of persons, any person whom the Commission considers qualified as a designated officer and any officer so designated shall be provided with a certificate setting out the duties that the designated officer is authorized to carry out.

Subsection 37(2) of the NSCA sets out the duties that the Commission may authorize a DO to carry out:

The Commission may authorize a designated officer to

- (a) certify and decertify prescribed equipment for the purposes of this Act;
- ...
- (c) issue, on receipt of an application referred to in subsection 24(2), a licence of a class established by the Commission;

¹ The *Canadian Nuclear Safety Commission* is referred to as the “CNSC” when referring to the organization and its staff in general, and as the “Commission” when referring to the tribunal component.

² S.C. 1997, c.9

- (d) renew, suspend in whole or in part, amend, revoke or replace — or authorize the transfer of — a licence referred to in paragraph (c) on receipt of an application referred to in subsection 24(2);

...

Panel

5. Pursuant to section 22 of the NSCA, the Acting President of the Commission established himself as a panel of the Commission to consider the request to designate 2 additional DOs. In making its decision, the Commission considered the written information submitted by CNSC staff (CMD 24-H106).

2.0 DECISION

6. Based on its consideration of the matter, as described in more detail in the following paragraphs of this Record of Decision, the Commission concludes that Senior Certification Engineers in TLSSD are qualified as DOs. Therefore, the Commission

- a) designates, pursuant to subsection 37(1) of the *Nuclear Safety and Control Act*, 2 additional Senior Certification Engineers in the Transport Licensing and Strategic Support Division as Designated Officer positions by title of office; and
- b) authorizes these Designated Officers to carry out duties under paragraphs 37(2)(a), (c) and (d) of the *Nuclear Safety and Control Act*, within the mandate of the Transport Licensing and Strategic Support Division

7. With this decision, the Commission designates 2 additional “Senior Certification Engineer” positions in TLSSD as DO positions. The Senior Certification Engineer DO positions are authorized to carry out the following duties under subsection 37(2) of the NSCA:

- certify and decertify prescribed equipment for the purposes of the NSCA;
- issue, on receipt of an application referred to in subsection 24(2) of the NSCA, a licence of a class established by the Commission; and
- renew, suspend in whole or in part, amend, revoke, or replace — or authorize the transfer of — a licence of a class established by the Commission on receipt of an application referred to in subsection 24(2) of the NSCA.

The authorities are restricted to those that fall within the mandate of TLSSD.

8. This decision results in a need to update the matrix of *CNSC Designated Officer Positions and Authorities* managed by the Registry. The Commission directs the Registry to update and replace the September 2023 matrix to reflect this decision.

3.0 ISSUES AND COMMISSION FINDINGS

9. The Commission considered CNSC staff's recommendation that the Commission designate 2 additional Senior Certification Engineers in TLSSD as DOs to manage the current and anticipated workload of Senior Certification Engineers, and to ensure service standards continue to be met.
10. In section 1.1 of CMD 24-H106, CNSC staff described the current DO positions within TLSSD, the Director and 2 Senior Certification Engineers, as set out in the matrix of *CNSC Designated Officer Positions and Authorities*³ (Appendix B to CMD 24-H106). All 3 positions are authorized to:
 - certify and decertify prescribed equipment for the purposes of the NSCA;
 - issue, on receipt of an application referred to in subsection 24(2) of the NSCA, a licence of a class established by the Commission; and
 - renew, suspend in whole or in part, amend, revoke, or replace — or authorize the transfer of — a licence of a class established by the Commission on receipt of an application referred to in subsection 24(2) of the NSCA.The Director position is also authorized to:
 - make any order than an inspector may make under subsection 35 (1) or (2) of the NSCA; and
 - confirm, amend, revoke or replace any order made by an inspector.
11. CNSC staff provided information concerning the number of certification and licensing decisions that TLSSD DOs have made between 2019 and 2023; ranging from 115 (2020) to 162 (2019). CNSC staff noted that, in addition to carrying out DO duties, Senior Certification Engineers have numerous responsibilities, and that their workload has increased significantly in light of the emergence of new technologies – such as small modular reactors, autonomous vehicles and drones – and commensurate considerations for the CNSC's regulatory framework.
12. CNSC staff submitted that the 2 additional DO positions were required to maintain performance against its service standards. CNSC staff noted the CNSC's obligation to track and monitor compliance with service standards per the 2021 [CNSC Remission Policy](#) and in accordance with the [Service Fees Act](#).⁴ CNSC staff underscored that there is a cost to the CNSC associated with failing to meet the standards, in the form of a remittance.
13. In addition, CNSC staff submitted that adding the 2 DO positions would provide the following improvements for TLSSD:
 - improve knowledge management
 - reduce the impacts of staff retirement and turnover
 - enable a more even workload distribution


³ *CNSC Designated Officer Positions and Authorities*, September 28, 2023.

⁴ S.C. 2017, c. 20, s. 451.

14. The Commission may designate “*any person whom the Commission considers qualified*” as a DO. As the Senior Certification Engineer in TLSSD is an existing DO position, the Commission is satisfied that any incumbent of the 2 additional designated positions will be qualified as a DO. The Commission is satisfied that CNSC staff has demonstrated the need for the 2 additional Senior Certification Engineer DO positions. The Commission recognizes the importance of meeting service standards, as well as managing the workload of persons in the designated positions.

4.0 CONCLUSION

15. Based on the information submitted, the Commission:
- a) designates, pursuant to subsection 37(1) of the *Nuclear Safety and Control Act*, 2 additional Senior Certification Engineers in TLSSD as DO positions by title of office; and
 - b) authorizes these DOs to carry out duties under paragraphs 37(2)(a), (c) and (d) of the NSCA, within the mandate of TLSSD.
16. This decision results in a need to update the matrix of *CNSC Designated Officer Positions and Authorities* managed by the Registry. The Commission directs the Registry to update and replace the September 2023 matrix to reflect this decision.

Timothy Berube  Digitally signed by Timothy
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Timothy Berube
Acting President
Canadian Nuclear Safety Commission

Date