

Annual Report on the *Access to Information Act* 2020–21

August 2021



Commission canadienne de sûreté nucléaire



Annual Report on the Access to Information Act 2020-21

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General

The Canadian Nuclear Safety Commission (CNSC) regulates the use of nuclear energy and materials to protect health, safety, security and the environment; to implement Canada's international commitments on the peaceful use of nuclear energy; and to disseminate objective scientific, technical and regulatory information to the public.

The CNSC's mandate, derived from the *Nuclear Safety and Control Act*, involves four major areas:

- regulation of the development, production and use of nuclear energy in Canada to protect health, safety and the environment
- regulation of the production, possession, use and transport of nuclear substances, and the production, possession and use of prescribed equipment and prescribed information
- implementation of measures respecting international control of the development, production, transport and use of nuclear energy and substances, including measures respecting the non-proliferation of nuclear weapons and nuclear explosive devices
- dissemination of scientific, technical and regulatory information concerning the CNSC's activities, and the effects on the environment and the health and safety of persons, of the development, production, possession, transport and use of nuclear substances

The CNSC also provides advice with respect to the implementation of the *Nuclear Liability and Compensation Act*, works in partnership with the Impact Assessment Agency to conduct impact assessments for nuclear projects subject to the *Impact Assessment Act*, 2019, and implements Canada's bilateral agreement with the International Atomic Energy Agency on nuclear safeguards verification.

Purpose

The purpose of the *Access to Information Act* (AIA) is to extend the laws of Canada to provide a right of access to information in records under the control of a government institution, in accordance with the principles stating that government information should be available to the public, that necessary exceptions to the right of access should be limited and specific, and that decisions on the disclosure of government information should be reviewed independently of government.

Tabling of the annual report

This annual report is prepared and tabled in Parliament in accordance with section 94 of the AIA.

1. Statistical report

I. Requests received under the Access to Information Act

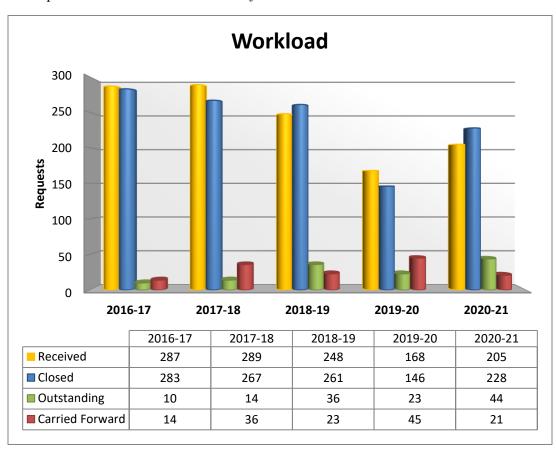
In 2020–21, the CNSC received 205 requests under the AIA (37 more requests than in the previous reporting period; see table titled Workload).

The CNSC also processed 40 informal requests during the reporting period. Four of these were internal requests for a review before documents were released informally on the CNSC website or by other means. The other 36 were informal requests for previously released AIA packages identified on the "Proactive disclosure" page of the CNSC website.

For requests closed during the reporting period, the CNSC processed 42,861 pages and disclosed 24,909 pages to requesters. This represents a 31% increase from the 32,642 pages processed in fiscal year 2019–20.

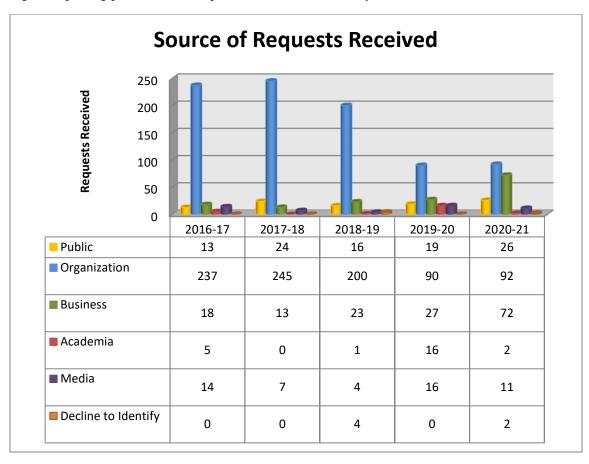
Other federal government agencies and departments responsible for records related to CNSC activities also consulted with the CNSC on 19 occasions. The CNSC processed 201 pages for these consultations.

From April 1 to November 30, 2020, CNSC staff were adjusting to their new circumstances of working remotely in response to the pandemic. COVID-19 therefore had an impact during this period on timelines related to responsibilities under the *Access to Information Act*.



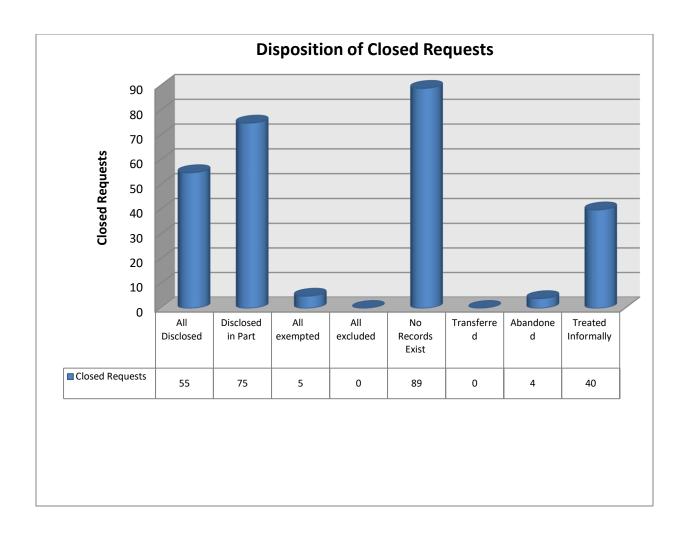
II. Source of requests

Organizations and businesses continue to submit an increased number of requests to the CNSC (see table titled Source of Requests Received). In 2020–21, requests were made most frequently by organizations (45%), followed by businesses (35%), members of the public (13%), media (5%), and academia (1%). During the reporting period, 1% of requesters declined to identify themselves.



III. Disposition of closed requests

In 2020–21, the CNSC closed 228 requests. This represents an increase from the 146 requests closed in 2019–20. Of the 228 requests closed during the reporting period, records for 55 (24%) were disclosed fully, and records for 75 (33%) were disclosed in part (see table titled Disposition of Closed Requests). There were only 5 requests for which relevant records were exempted in their entirety. The remaining 93 requests had no records associated with them or were abandoned by the requester.



IV. Exemptions or exclusions invoked

Most of the exemptions invoked by the CNSC in 2020–21 came under three sections of the AIA: subsection 19(1), which protects personal information; paragraphs 20(1)(a), (b), (c) and (d), which protect confidential information supplied by a third party; and paragraphs 21(1)(a), (b), (c) and (d), which protect advice, recommendations and the deliberation process of public servants.

V. Completion time

VI. Extensions

Section 9 of the AIA permits an extension of statutory time limits under certain circumstances. In 2020–21, the CNSC requested extensions on 60 occasions. In 32 of these cases, an extension was required for consultation within a government institution, other government institutions or other levels of government. In 9 cases, an extension was required to provide third-party notifications. A further 19 extensions were needed to search through large volumes of records that would have made it impossible to meet the original timelines without interfering with CNSC operations. Most of the extensions were for 31 to 120 days.

VII. Costs

During 2020–21, the CNSC's Access to Information and Privacy (ATIP) Office incurred \$347,141 in salary costs and \$4,770 in goods and services costs to administer the AIA.

See annex A for further statistical information.

The *Service Fees Act* requires a responsible authority to report annually to Parliament on the fees collected by the institution.

With respect to fees collected under the AIA, the following information is reported in accordance with the requirements of section 20 of the *Service Fees Act*:

• Enabling authority: AIA

Fee amount: \$5Total revenue: \$990Fees waived: \$155

• In accordance with the Interim Directive on the Administration of the AIA, issued on May 5, 2016, the CNSC waives all fees prescribed by the AIA and regulations made under it, other than the \$5 application fee set out in paragraph 7(1)(a) of the regulations.

2. Practices and procedures

At the CNSC, the IT Operations and Service Delivery Division (ITOSDD), within the Information Management and Technology Directorate (IMTD), administers the AIA.

Access-to-information requests are received by the Records Office and forwarded to the ATIP Office within ITOSDD. The CNSC also receives requests through the ATIP online request portal available through the Treasury Board Secretariat website. ATIP Office staff process the requests in consultation with the appropriate CNSC directorates and with external parties, where necessary.

The CNSC has three full-time employees dedicated to access-to-information activities.

During 2020–21, the CNSC continued to concentrate on providing training to its employees on information management, the AIA, the *Privacy Act* and information security. This involved formal training over several sessions, including a CNSC all-staff open learning session attended by approximately 200 individuals, and several sessions at the divisional level. There were also informal one-on-one awareness sessions.

All training and awareness sessions, both formal and informal, focused on informing employees of their responsibilities under the legislation. ITOSDD offers an integrated training approach, emphasizing the connections between sound information management practices and an effective ATIP program. The ATIP Office also provides advice and support as required.

Documentation and training materials on the CNSC's ATIP program are available through the corporate intranet, along with links to other materials, such as legislation, Treasury Board Secretariat policies and guidance documents, and a range of information management and guidance tools. The CNSC did not implement any new policies, guidelines or procedures during the reporting period.

As an organization that values openness and transparency, the CNSC strives to ensure that information is made publicly available without recourse to the AIA. Exceptions to public access to information are limited and specific, as required by the AIA.

The CNSC frequently makes copies of the following documents available to members of the public for their examination:

- Current licences and approvals
- Revocation or suspension notices
- Reports concerning occurrences
- Applications for approval of licences
- Information on hazards to individuals, the public or the environment
- Orders for corrective measures to be taken as a result of significant occurrences
- Notices of intent to establish nuclear facilities
- Commission hearing minutes and supporting documentation
- Requests for temporary help
- Proactive disclosure of senior management travel and hospitality expenses
- Proactive disclosure of contract information
- Auditor General of Canada reports (pertaining to the CNSC)
- Internal audits

The CNSC also posts, via the Open Government portal, summaries of completed access-to-information requests processed by the ATIP Office.

3. Delegation of authority

The Governor in Council has delegated to the President of the CNSC the authority to exercise the powers, duties and functions in the AIA. In turn, the President has designated the Vice-President of the Corporate Services Branch, the Director General of the Information Management and Technology Directorate, the Director of the IT Operations and Service Delivery Division, and the Senior ATIP Advisor to exercise their powers, duties and functions with respect to the AIA.

See annex B for a copy of the instrument of delegation.

4. Compliance

For 2020–21, the CNSC achieved a compliance rating of approximately 69% for completed access-to-information requests closed within the legislated time frame. As a result of the COVID-19 pandemic, this compliance rate is significantly lower (20%) than in 2019–20. This decrease was primarily due to the transition period of all CNSC staff adjusting to working from home exclusively. It was reflected most notably in the months of April to November, 2020, after which compliance began to improve.

The ATIP Office regularly presents at the CNSC's Operations Management Committee meetings to discuss ATIP issues and to monitor the processing of requests, including timelines.

5. Complaints and appeals to the Federal Court

During 2020–21, the Office of the Information Commissioner (OIC) received 3 complaints. Two were for failing to respond within the legislated time limits set out by the AIA, and 1 was for failing to conduct a reasonable search for records. Three complaints were closed during 2020–21. Of these, the OIC findings concluded that 2 have been resolved and 1 has been discontinued. The CNSC takes the issue of complaints seriously and works closely with the OIC to develop best practices and lessons learned strategies.

Two complaints were carried over from 2019–20.

As always, the CNSC will continue to work closely with the Office of the Information Commissioner to resolve the remaining ongoing complaints in a timely and efficient manner.

No appeals were made to the Federal Court of Canada during 2020-21.

Annex A

Statistical Information



Statistical Report on the Access to Information Act

Name of institution:	Canadian Nuclear Safety	Canadian Nuclear Safety Commission					
Reporting period:	4/1/2020	to	3/31/2021				

Section 1: Requests Under the Access to Information Act

1.1 Number of requests

	Number of Requests
Received during reporting period	205
Outstanding from previous reporting period	44
Total	249
Closed during reporting period	228
Carried over to next reporting period	21

1.2 Sources of requests

Source	Number of Requests
Media	11
Academia	2
Business (private sector)	72
Organization	92
Public	26
Decline to Identify	2
Total	205

1.3 Informal requests

Completion Time							
1 to 15 Days	16 to 30 Days	31 to 60 Days	61 to 120 Days			More Than 365 Days	LOTAL
0	0	0	0	0	0	0	0

Note: All requests previously recorded as "treated informally" will now be accounted for in this section only.

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Section 2: Decline to act vexatious, made in bad faith or abuse of right requests

	Number of Requests
Outstanding from previous reporting period	0
Sent during reporting period	0
Total	0
Approved by the Information Commissioner during reporting period	0
Declined by the Information Commissioner during reporting period	0
Carried over to next reporting period	0

Section 3: Requests Closed During the Reporting Period

3.1 Disposition and completion time

	Completion Time							
Disposition of Requests	1 to 15 Days	16 to 30 Days	31 to 60 Days	61 to 120 Days	121 to 180 Days	181 to 365 Days	More Than 365 Days	Total
All disclosed	19	10	7	8	3	8	0	55
Disclosed in part	3	21	13	22	8	8	0	75
All exempted	1	1	1	1	0	1	0	5
All excluded	0	0	0	0	0	0	0	0
No records exist	50	14	2	16	3	4	0	89
Request transferred	0	0	0	0	0	0	0	0
Request abandoned	4	0	0	0	0	0	0	4
Neither confirmed nor denied	0	0	0	0	0	0	0	0
Decline to act with the approval of the Information Commisioner	0	0	0	0	0	0	0	0
Total	77	46	23	47	14	21	0	228

3.2 Exemptions

Section	Number of Requests	Section	Number of Requests	Section	Number of Requests		Number of Requests
13(1)(a)	7	16(2)	10	18(a)	0	20.1	0
13(1)(b)	12	16(2)(a)	0	18(b)	2	20.2	0
13(1)(c)	16	16(2)(b)	0	18(c)	0	20.4	0
13(1)(d)	0	16(2)(c)	12	18(d)	3	21(1)(a)	30
13(1)(e)	0	16(3)	0	18.1(1)(a)	0	21(1)(b)	29
14	0	16.1(1)(a)	0	18.1(1)(b)	0	21(1)(c)	1
14(a)	3	16.1(1)(b)	0	18.1(1)(c)	0	21(1)(d)	6
14(b)	0	16.1(1)(c)	0	18.1(1)(d)	0	22	4
15(1)	21	16.1(1)(d)	0	19(1)	48	22.1(1)	0
15(1) - I.A.*	0	16.2(1)	0	20(1)(a)	1	23	18
15(1) - Def.*	0	16.3	0	20(1)(b)	31	23.1	0
15(1) - S.A.*	0	16.31	0	20(1)(b.1)	1	24(1)	1
16(1)(a)(i)	0	16.4(1)(a)	0	20(1)(c)	1	26	1
16(1)(a)(ii)	0	16.4(1)(b)	0	20(1)(d)	2		
16(1)(a)(iii)	0	16.5	0			•	
16(1)(b)	0	16.6	0				
16(1)(c)	0	17	0				
16(1)(d)	0	* I.A.:	International Af	fairs Def.:	Defence of	Canada	S.A.: Subvers

3.3 Exclusions

Section	Number of Requests	Section	Number of Requests	Section	Number of Requests
68(a)	2	69(1)	0	69(1)(g) re (a)	0
68(b)	0	69(1)(a)	0	69(1)(g) re (b)	0
68(c)	0	69(1)(b)	0	69(1)(g) re (c)	0
68.1	0	69(1)(c)	0	69(1)(g) re (d)	0
68.2(a)	0	69(1)(d)	0	69(1)(g) re (e)	0
68.2(b)	0	69(1)(e)	0	69(1)(g) re (f)	0
_		69(1)(f)	0	69.1(1)	0

3.4 Format of information released

Paper	Electronic	Other
0	130	0

3.5 Complexity

3.5.1 Relevant pages processed and disclosed

Number of Pages Processed	Number of Pages Disclosed	Number of Requests
42861	24909	139

3.5.2 Relevant pages processed and disclosed by size of requests

	Less Than 100 Pages Processed		101-500 Pages Processed		501-1000 Pages Processed		1001-5000 Pages Processed		More Than 5000 Pages Processed	
Disposition	Number of Requests	Pages Disclosed	Number of Request s	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed
All disclosed	48	957	4	859	2	1524	1	641	0	0
Disclosed in part	28	1022	34	4998	5	1662	6	5331	2	7915
All exempted	4	0	1	0	0	0	0	0	0	0
All excluded	0	0	0	0	0	0	0	0	0	0
Request abandoned	4	0	0	0	0	0	0	0	0	0
Neither confirmed nor denied	0	0	0	0	0	0	0	0	0	0
Declined to act with the approval of the Information Commissioner	0	0	0	0	0	0	0	0	0	0
Total	84	1979	39	5857	7	3186	7	5972	2	7915

3.5.3 Other complexities

Disposition	Consultation Required	Assessment of Fees	Legal Advice Sought	Other	Total
All disclosed	23	0	7	3	33
Disclosed in part	46	0	10	14	70
All exempted	1	0	1	0	2
All excluded	0	0	0	0	0
Request abandoned	0	0	0	0	0
Neither confirmed nor denied	0	0	0	0	0
Declined to act with the approval of the Information Commissioner	0	0	0	0	0
Total	70	0	18	17	105

3.6 Closed requests

3.6.1 Number of requests closed within legislated timelines

	Requests closed within legislated timelines
Number of requests closed within legislated timelines	158
Percentage of requests closed within legislated timelines (%)	69.3

3.7 Deemed refusals

3.7.1 Reasons for not meeting legislated timelines

•		Principa	al Reason	
Number of Requests Closed Past the Legislated Timelines	Interference with Operations / Workload	External Consultation	Internal Consultation	Other
70	11	4	55	0

3.7.2 Requests closed beyond legislated timelines (including any extension taken)

Number of Days Past Legislated Timelines	Number of Requests Past Legislated Timeline Where No Extension Was Taken	Number of Requests Past Legislated Timeline Where an Extension Was Taken	Total
1 to 15 days	6	2	8
16 to 30 days	4	5	9
31 to 60 days	5	7	12
61 to 120 days	20	4	24
121 to 180 days	1	3	4
181 to 365 days	9	4	13
More than 365 days	0	0	0
Total	45	25	70

3.8 Requests for translation

Translation Requests	Accepted	Refused	Total
English to French	0	0	0
French to English	0	0	0
Total	0	0	0

Section 4: Extensions

4.1 Reasons for extensions and disposition of requests

		9(1)(b) Co	nsultation	
Disposition of Requests Where an Extension Was Taken	9(1)(a) Interference With Operations	Section 69	Other	9(1)(c) Third-Party Notice
All disclosed	7	0	10	0
Disclosed in part	4	0	20	9
All exempted	0	0	2	0
All excluded	0	0	0	0
No records exist	8	0	0	0
Request abandoned	0	0	0	0
Decline to act with the approval of the Information Commisioner	0	0	0	0
Total	19	0	32	9

4.2 Length of extensions

	9(1)(a)	9(1)(b) Co	nsultation	
Length of Extensions	Interference With Operations	Section 69	Other	9(1)(c) Third-Party Notice
30 days or less	4	0	3	0
31 to 60 days	2	0	14	5
61 to 120 days	13	0	15	3
121 to 180 days	0	0	0	1
181 to 365 days	0	0	0	0
365 days or more	0	0	0	0
Total	19	0	32	9

Section 5: Fees

	Fee (Collected	Fee Waived	or Refunded
Fee Type	Requests	Amount	Requests	Amount
Application	198	\$990	31	\$155
Other fees	0	\$0	0	\$0
Total	198	\$990	31	\$155

Section 6: Consultations Received From Other Institutions and Organizations

6.1 Consultations received from other Government of Canada institutions and organizations

Consultations	Other Government of Canada Institutions	Number of Pages to Review	Other Organizations	Number of Pages to Review
Received during reporting period	19	242	0	0
Outstanding from the previous reporting period	1	0	0	0
Total	20	242	0	0
Closed during the reporting period	18	201	0	0
Carried over to next reporting period	2	41	0	0

6.2 Recommendations and completion time for consultations received from other Government of Canada institutions

	N	umber of	Days Req	uired to C	omplete	Consultati		ests
Recommendation	1 to 15 Days	16 to 30 Days	31 to 60 Days	61 to 120 Days	121 to 180 Days	181 to 365 Days	Than 365 Days	Total
Disclose entirely	12	0	1	0	0	0	0	13
Disclose in part	1	2	0	0	0	0	0	3
Exempt entirely	0	1	0	0	0	0	0	1
Exclude entirely	0	0	0	0	0	0	0	0
Consult other institution	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	1	0	1
Total	13	3	1	0	0	1	0	18

6.3 Recommendations and completion time for consultations received from other organizations

	N	umber of	Days Requ	uired to C	omplete	Consultati	on Requ	ests
Recommendation	1 to 15 Days	16 to 30 Days	31 to 60 Days	61 to 120 Days	121 to 180 Days	181 to 365 Days	Than 365 Days	Total
Disclose entirely	0	0	0	0	0	0	0	0
Disclose in part	0	0	0	0	0	0	0	0
Exempt entirely	0	0	0	0	0	0	0	0
Exclude entirely	0	0	0	0	0	0	0	0
Consult other institution	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0

Section 7: Completion Time of Consultations on Cabinet Confidences

7.1 Requests with Legal Services

		han 100 rocessed		101-500 Pages Processed		000 ocessed	1001-5000 Pages Processed		More Than 5000 Pages Processed	
Number of Days	Number of Requests	Pages Disclosed	Number of Request	Pages Disclosed	Number of Requests		Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed
1 to 15	0	0	1	0	0	0	0	0	0	0
16 to 30	1	7	0	0	0	0	0	0	0	0
31 to 60	0	0	0	0	0	0	0	0	0	0
61 to 120	0	0	0	0	0	0	0	0	0	0
121 to 180	0	0	0	0	0	0	0	0	0	0
181 to 365	0	0	0	0	0	0	0	0	0	0
More than 365	0	0	0	0	0	0	0	0	0	0
Total	1	7	1	0	0	0	0	0	0	0

7.2 Requests with Privy Council Office

		han 100 rocessed		101-500 Pages Processed				-5000 rocessed	More Than 5000 Pages Processed	
Number of Days	Number of Requests	Pages Disclosed	Number of Request	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed
1 to 15	0	0	0	0	0	0	0	0	0	0
16 to 30	0	0	0	0	0	0	0	0	0	0
31 to 60	0	0	0	0	0	0	0	0	0	0
61 to 120	0	0	0	0	0	0	0	0	0	0
121 to 180	0	0	0	0	0	0	0	0	0	0
181 to 365	0	0	0	0	0	0	0	0	0	0
More than 365	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0	0	0

Section 8: Complaints and investigations

Section 32 Notice of intention to investigate	Subsection 30(5) Ceased to investigate	Section 35 Formal representations	Section 37 Reports of finding received	Section 37 Reports of finding containing recommendations issued by the Information Commissioner	Section 37 Reports of finding containing orders issued by the Information Commissioner
3	3	5	3	0	0

Section 9: Court Action

9.1 Court actions on complaints received before June 21, 2019 and on-going

Section 41 (before June 21, 2019)	Section 42	Section 44
0	0	0

9.2 Court actions on complaints received after June 21, 2019

Section 41 (after June 21, 2019)				
Complainant (1)	Institution (2)	Third Party (3)	Privacy Commissioner (4)	Total
0	0	0	0	0

Section 10: Resources Related to the Access to Information Act

10.1 Costs

Expenditures		Amount
Salaries		\$347,141
Overtime	\$0	
Goods and Services		\$4,770
Professional services contracts \$0		
Other	\$4,770	
Total		\$351,911

10.2 Human Resources

Resources	Person Years Dedicated to Access to Information Activities
Full-time employees	3.429
Part-time and casual employees	0.000
Regional staff	0.000
Consultants and agency personnel	0.000
Students	0.000
Total	3.429

Note: Enter values to three decimal places.

Annex B

Delegation Order

Access to Information Act and Privacy Act Delegation Order

Arrêté sur la délégation en vertu de la Loi sur l'accès à l'information et de la Loi sur la protection des renseignements personnels

The President of the Canadian Nuclear Safety Commission, pursuant to section 95(1) of the Access to Information Act and section 73 of the Privacy Act, hereby designates the persons holding the positions set out in the schedule hereto, or the persons occupying on an acting basis those positions, to exercise the powers, duties and functions of the President as the head of the Canadian Nuclear Safety Commission, under the provisions of the Act and related regulations set out in the schedule opposite each position. This designation replaces all previous delegation orders.

En vertu de l'article 95(1) de la Loi sur l'accès à l'information et de l'article 73 de la Loi sur la protection des renseignements personnels, la présidente à la Commission canadienne de sûreté nucléaire délègue aux titulaires des postes mentionnés à l'annexe ci-après, ainsi qu'aux personnes occupant à titre intérimaire lesdits postes, les attributions dont elle est, en qualité de responsable de la Commission canadienne de sûreté nucléaire, investie par les dispositions de la Loi ou de son règlement mentionnées en regard de chaque poste. Le présent document remplace et annule tout arrêté antérieur.

Schedule/Annexe

Position/Poste	Privacy Act and Regulations/Loi sur la protection des renseignements personnels et règlements	Access to Information Act and Regulations/Loi sur l'accès à l'information et règlements
Vice-President, Corporate Services Branch/Vice-président, Direction générale des services de gestion	Full authority/Autorité absolue	Full authority/Autorité absolue
Director General, Information Management and Technology Directorate/Directeur général, Direction de la gestion et de la technologie de l'information	Full authority/ Autorité absolue	Full authority/ Autorité absolue
Director, Information Management Division/Directeur, Division de la Gestion de l'information	Full authority/ Autorité absolue	Full authority/ Autorité absolue
Senior ATIP Advisor/Conseiller principal de l'AIPRP	Full authority/ Autorité absolue	Full authority/ Autorité absolue

Daté, en la ville d'Ottawa, ce 30e jour d'avril 2021 Dated, at the city of Ottawa, this 30th day of April 2021

4/30/2021



Rumina Velshi Présidente/President Signed by: Velshi, Rumina

Commission canadienne de sûreté nucléaire Canadian Nuclear Safety Commission

GEN-004640 Edocs # 6542705