



# STATUS OF THE DESIGNATED OFFICER PROGRAM: 2020

CMD 21-M28

October 5, 2021



# CNSC Designated Officer Program (1/3)

#### **Designated Officer Program (DO Program)**

- Established in 2000 with the coming into force of the Nuclear Safety and Control Act (NSCA)
- The Commission may designate DOs by name, title of office or class of persons
- DOs may be authorized by the Commission to carry out licensing decisions for certain classes of licences and other duties defined in the NSCA

The DO Program helps ensure DOs understand the scope of their authorities and how to execute them



# CNSC Designated Officer Program (2/3)

#### DO Authorities - licensing, certification and compliance decisions

- Licensing decisions\* including those related to the issuance, renewal, suspension, amendment, refusal, revocation or replacement of a licence
- Compliance decisions including those related to orders and Administrative Monetary Penalties (AMPs)
- Certification decisions related to prescribed equipment and personnel

\*Excluding Class I nuclear facilities and uranium mines and mills

Summary of authorities is provided in Appendix A

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# CNSC Designated Officer Program (3/3)

#### **DO Decision Making**

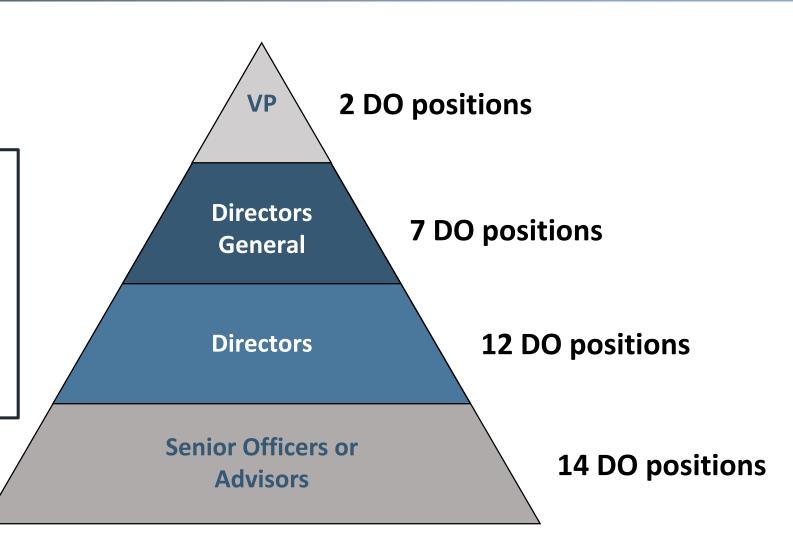
- Independent and subject to rules governing procedural fairness and impartiality
- Certain DO decisions require an opportunity to be heard
- Applicants and licensees may appeal a DO decision to the Commission
- Some decisions of DOs may be reviewed by the Commission
- Certain DO decisions have to be reported to the Commission

#### DOs are independent decision makers



### DO Positions at the CNSC (1/3)

- Senior DO positions are allocated the authorities of DOs that report to them
- DO authorities are not transferable
- Summary of designated positions and their authorities is available in <u>Appendix B</u>



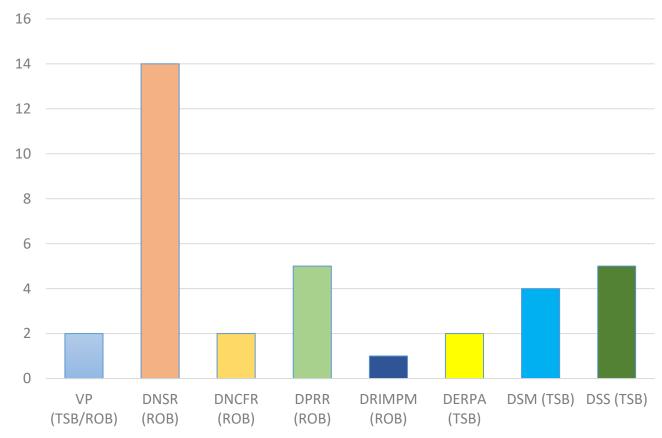


### DO Positions at the CNSC (2/3)

# There are 35 total DO positions at the CNSC:

- 23 DO positions in ROB
- 12 DO positions in TSB

#### **DO Positions by Directorate**



Information on the CNSC's organisational structure can be found on the CNSC website



## DO Positions at the CNSC (3/3)

#### 2020 DO positions:

- 9 DO staffing changes
- 1 additional DO position added in the Non-Proliferation and Export Controls Division (CMD 20-H109)

#### Other recent Commission decisions on DO positions:

- 31 DO positions defined in <u>2014</u> (CMD 14-M24)
- 3 additional DO positions added in 2019 (CMD 19-H110)

The Commission may designate additional DOs to address a higher volume of applications requiring DO approval



## DO Qualifications and Training

#### **Qualifications:**

Those required for appointment to the designated position

#### DO training and assistance program:

- Self-directed learning
- Briefings with Legal Services, the Commission Secretary, and DRIMPM
- On-the-job learning and mentorship from more experienced DOs
- Peer consultation
- DO orders training

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



# DO Authorities Carried Out – 2020

	Designated Officer Authorities carried out in 2020									
Title of Office / Division	37(2)								65.05	
	(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	05.05	Total
Executive VP and Chief Regulatory Operations Officer									*	0
Director General, Directorate of Nuclear Substance Regulation					6		4		2	12
Accelerators and Class II Facilities Division		23	40	161			1			225
Nuclear Substances and Radiation Devices Licensing Division			51	1180						1231
Transport Licensing and Strategic Support Division	58		41	11						110
Operations Inspection Division										0
Director General, Directorate of Nuclear Cycle and Facilities				7	10		1			10
Regulation				/	10		1			18
Canadian Nuclear Laboratories Regulatory Program Division										0
Director General, Directorate of Power Reactors Regulation					4					4
Director General, Directorate of Regulatory Improvement										_
and Major Projects Management										0
VP, Technical Support Branch										0
Director General, Directorate of Environmental and				12	2					15
Radiation Protection and Assessment				12	3					15
Radiation Protection Division								3		3
Director General, Directorate of Safety Management		106								106
Personnel Certification Division		398								398
Director General, Directorate of Security and Safeguards					3					3
Non-Proliferation and Export Controls Division			1024	198						1222
Total	58	527	1156	1569	26	0	6	3	2	3347

\*Counted in DG, DNSR statistics.

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

See Appendix C for breakdown of DO authorities carried out by year

Position not authorized for this DO authority

Authority not exercised in 2020

Number of times duty carried out in 2020



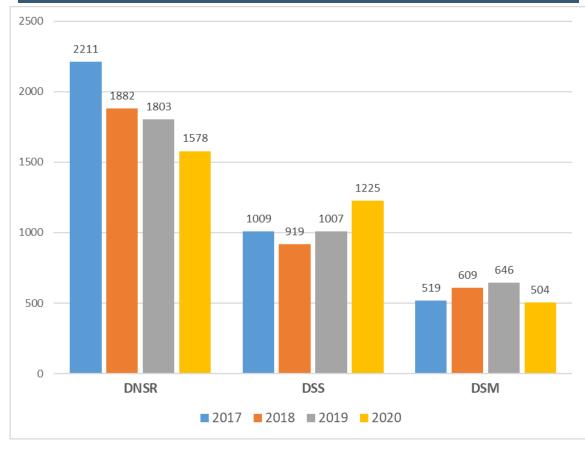
# 2020 Authorities vs Previous Years (1/2)

Title of Office / Division	2017	2018	2019	2020
Executive VP and Chief Regulatory Operations Officer	1	3	0	0
Director General, Directorate of Nuclear Substance Regulation	32	19	25	12
Accelerators and Class II Facilities Division	342	304	264	225
Nuclear Substances and Radiation Devices Licensing Division	1540	1377	1363	1231
Transport Licensing and Strategic Support Division	297	182	151	110
Director General, Directorate of Nuclear Cycle and Facilities Regulation	14	11	14	18
Director General, Directorate of Power Reactors Regulation	7	4	15	4
VP, Technical Support Branch	1	0	2	0
Director General, Directorate of Environmental and Radiation Protection and Assessment	8	6	8	15
Radiation Protection Division	6	2	4	3
Director General, Directorate of Safety Management	178	115	481	106
Personnel Certification Division	341	494	165	398
Director General, Directorate of Security and Safeguards & Non-Proliferation and Export Controls Division	1009	919	1007	1225
Total	3776	3436	3499	3347
*CNLRPD, OID, and DRIMPM omitted from yearly trending due to no reported DO ac	tivity			

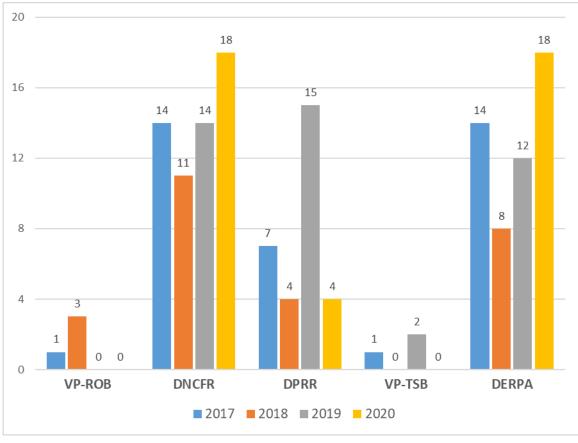


# 2020 Authorities vs Previous Years (2/2)

# Directorates carrying out the largest number of authorities in 2020



# Authorities carried out by remaining four directorates/branches





# Decisions Reportable to the Commission (1/2)

#### The NSCA defines DO decisions that must be reported to the Commission

- This presentation is intended to fulfil this requirement for 2020
- Starting in 2021, Secretariat is also providing quarterly memos to the Commission

#### Report to Commission

- (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 2020, DOs made 89 decisions reportable to the Commission

More information on these decisions is provided in <u>Appendix D</u>

#### 37(5)(a)

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

4 refusals to issue a licence (Export)

#### 37(5)(b)

Issuance of a licence with a financial guarantee

79 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

6 inspector orders confirmed or amended



# Administrative Monetary Penalties

- Section 65.05 of the NSCA allows the issuance of AMPs to an individual or a corporation
  - 1. Individual up to \$20,000
  - 2. Corporation up to \$100,000
- Details about AMPs are available on the <u>CNSC website</u>

AMPs Issued by	2017	2018	2019	2020
DOs	7	3	0	2



## Annual CNSC DO Community Forum (1/3)

# Third annual DO Community Forum October 22&23, 2020

First virtual forum, held in two 3-hour sessions (Appendix E)



Helping support a collaborative DO community





# Annual CNSC DO Community Forum (2/3)

- Bring together DOs to share ideas, experiences, and best practices
- Discussions:
  - Fair and impartial decision making
  - Challenging and rewarding moments in carrying out duties
  - The opportunity to be heard process
  - Knowledge management
  - Role of CNSC's finance team related to DO authorities
- Updates and refreshers on important DO program roles and resources





## Annual CNSC DO Community Forum (3/3)



The 2021 forum was held on June 4
Insightful case studies & group dialogs

#### Feedback and lessons learned:

- Focus on allowing open discussions between DOs
- Limit each session to two-three primary agenda items
- Hold shorter forums to avoid virtual burnout

Implemented for the 2021 DO forum

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## DO Program Improvement Initiatives

#### Tracking and reporting of DO duties

- Quarterly memos implemented July 2021
- Improved timeliness while maintaining consistency and efficiency

#### DO Forum – virtual half-day sessions

- Make the most of the virtual environment
- Reduce screen fatigue and accommodate technical issues

#### Training and briefings

- In-class training
- New DO briefings
- Continued support for DOs from CNSC Legal Services

Continuous improvement is vital to the success of the DO Program

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## COVID-19 Impact on DO Program

- CNSC staff continue to work primarily in a virtual environment.
- The use of technology ensures the same rigor is applied by CNSC staff to ensure effective regulatory oversight
- DO processes continue to be electronic
  - DO documents, decisions, and certificates are all reviewed and approved electronically
  - Virtual briefings with Legal Services, the Directorate of Regulatory Improvement and Major Projects Management, and the Commission Secretariat

DOs continue to carry out their duties in a fair, impartial and timely manner



In **2020**, DOs carried out **3,347 authorities**, including **89 decisions** that fall into the category of those that must be reported to the Commission.

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



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# 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)



# CNSC DO Positions and Authorities

#### **CNSC DESIGNATED OFFICER POSITIONS AND AUTHORITIES**

	Authority	Certify and decertify prescribed equipment for the purposes of the Act	44(1)(k) as qualified to carry out their duties under this Act or the duties of their employment, as	an application referred to in subsection 24(2), a licence of class identified in part I, II or V of the	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] 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]	Designate any person whom the Designated Officer considers qualified as an Inspector under subsection 29(1)			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)(f)	37(2)(g)	37(2)(h)	65.05
BRANCH	Executive VP and Chief Regulatory Operations Officer Regulatory Operations Branch	<b>√</b>	✓	✓	<b>√</b>	<b>√</b>	<b>√</b>	<b>√</b>	<b>√</b>	<b>√</b>
ONS	<b>Director General</b> Directorate of Nuclear Substance Regulation (DNSR)	<b>√</b>	•	•	•	•	•	•		•
OPERATI	<b>Director</b> Accelerators and Class II Facilities Division	<b>√</b>	**	**	**		•	•		
LATORY	<b>Senior Project Officer</b> (maximum 3 position) <i>Accelerators and Class II Facilities Division</i>			**	**					
REGUI	<b>Director</b> 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)	37(2)(f)	37(2)(g)	37(2)(h)	65.05
	<b>Director</b> Transport Licensing and Strategic Support Division	<b>√</b>		**	**		•	•		
	<b>Transport Specialist</b> (maximum 1 position) <i>Transport Licensing and Strategic Support Division</i>	**		**						
	Program Officer (maximum 1 position) Transport Licensing and Strategic Support Division	**		**						
NCH	<b>Director</b> Operations Inspection Division						•	•		
<b>ONS BRAN</b>	<b>Director General</b> Directorate of Nuclear Cycle and Facilities Regulation (DNCFR)			•	•	•	•	•		•
<b>ATI</b>	<b>Director</b> Canadian Nuclear Laboratories Regulatory Program Division (CNLRPD)						**			
الا کا <sub>(</sub>	<b>Director General</b> Directorate of Power Reactor Regulation (DPRR)					•	•	•		•
<b>SULA</b>	Director Bruce Regulatory Program Division						**			
REG	Director Pickering Regulatory Program Division						**			
	Director Darlington Regulatory Program Division						**			
	Director Gentilly-2/Point Lepreau Regulatory Program Division						**			
	<b>Director General</b> Directorate of Regulatory Improvement and Major Projects Management (DRIMPM)					•	•	•		•

	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			
	Vice-President Technical Support Branch		✓	✓	✓	<b>√</b>	✓	✓	<b>√</b>	<b>√</b>			
	Director General Directorate of Environmental and Radiation Protection and Assessment (DERPA)			•	•	•	•	•	<b>√</b>	*			
NCH	<b>Director</b> <i>Radiation Protection Division</i>								<b>√</b>				
SUPPORT BRANCH	<b>Director General</b> <i>Directorate of Safety Management</i> (DSM)		•				•	•		•			
SUPPC	<b>Director</b> Personnel Certification Division		<b>*</b> *										
TECHNICAL :	Senior Examination and Certification Officer (max 2 positions) Personnel Certification Division		<b>^</b> *										
罝	<b>Director General</b> Directorate of Security and Safeguards (DSS)			•	•	•	•	•		•			
	<b>Director</b> Non-Proliferation and Export Controls Division			**	**								
	<b>Senior Advisor</b> (maximum 3 positions) <i>Non-Proliferation and Export Controls Division</i>			**	**								
		Le	gend										
			✓	Fully authorize	ed								
			<b>♦</b>	Authority restr	ricted to the directorate's lice	ensing and cer	tification ma	indate					
		•	<b>*</b>	Authority restr	ricted to the division's licensi	ng and certific	ation manda	ate		28			
			*	Decertification	of NPP operators(s) will only	y be exercised	Decertification of NPP operators(s) will only be exercised by designated DGs and VPs						



# Breakdown of DO Authorities Carried Out (2017-2020)



### DO Authorities Carried Out – 2017 (1/4)

# 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

# 63 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
- 7 inspector designation by DPRR

DOs carried out 3,776 authorities in 2017



### DO Authorities Carried Out – 2018 (2/4)

# 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

# 46 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
- 4 inspector designation by DPRR

DOs carried out 3,436 authorities in 2018



### DO Authorities Carried Out – 2019 (3/4)

# 3,443 licensing and certification authorities in 2019 including:

- 1,778 authorities by DNSR
  - 143 licences issued
  - 347 licences renewed
  - 931 licence amendments
  - 203 licence revocations
  - 75 licence transfers
  - 66 prescribed equipment
  - 13 personnel certifications
- 646 personnel certification authorities by DSM
- 1003 authorities by the DSS
  - 900 licences issued
  - 103 licences amended, revoked or transferred
- 7 licence amendment authorities by DERPA
- 7 authorities by DNCFR
- 2 personnel certifications by VP TSB

# 56 non-licensing authorities in 2019 including:

- 12 compliance and 13 inspector designation authorities by DNSR
- 7 inspector designation authorities by the DNCFR
- 15 inspector designation authorities by DPRR
- 4 return to work authorizations and 1 inspector designation by DERPA
- 3 inspector designations and 1 compliance authorities by DSS

# DOs carried out 3,499 authorities in 2019



### DO Authorities Carried Out – 2020 (4/4)

# 3,310 licensing and certification authorities in 2020 including:

- 1565 authorities by DNSR
  - 132 licences issued
  - 421 licences renewed
  - 752 licence amendments
  - 134 licence revocations
  - 45 licence transfers
  - 58 prescribed equipment
  - 23 personnel certifications
- 504 personnel certification authorities by DSM
- 1222 authorities by DSS
  - 1024 licences issued
  - 198 licences amended, revoked or transferred
- 12 licence amendment authorities by DERPA
- 7 authorities by DNCFR

# 36 non-licensing authorities in 2020 including:

- 7 compliance and 6 inspector designation authorities by DNSR
- 1 compliance and 10 inspector designation authorities by DNCFR
- 4 inspector designation authorities by DPRR
- 3 return to work authorization and 3 inspector designation authorities by DERPA
- 3 inspector designation authorities by DSS

DOs carried out 3,347 authorities in 2020



# DO Decisions Reportable to the Commission

Pursuant to subsection 37(5) of the NSCA



# 37(5) DO Licensing Decisions for 2020 (1/2)

#### 37(5)(a)

4 refusals\* to issue an export licence by 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.

#### 37(5)(b)

**79** licences issued with a financial guarantee:

- 31 by the Accelerators and Class II Facilities Division
- 48 by the Nuclear Substances and Radiation Devices Division



# 37(5) DO Licensing Decisions for 2020 (2/2)

#### 37(5)(d)

**6** inspector orders confirmed, amended, or revoked:

• **5** by the Directorate of Nuclear Substance Regulation:

Order#	Date of Order	Date of DO Decision	DO Decision	Licence#	Licensee
1209	2019-12-06	2020-01-17	Confirmed	09022-1-20.1	Kodiak Quality Control Ltd.
1227	2020-01-16	2020-01-16	Confirmed	13983-1- 19.0(expired)	Medagh Industrial Recycling Ltd
1212	2020-02-20	2020-02-20	Confirmed	13955-1-21.1	Edward Wong & Associates Inc.
550	2020-03-10	2020-05-29	Amended	13124-7-25.0	Eastern Regional Health Authority
841	2020-10-31	2020-10-31	Confirmed	Issued to a person representing 09022-1-20.2	Eric Haugen Kodiak Quality Control Ltd

• 1 by the Directorate of Nuclear Cycle and Facilities Regulation (DNCFR):

Order#	Date of Order	Date of DO Decision	DO Decision	Licence#	Licensee
N/A	2019-12-06	2020-01-07	Confirmed	WNSL-W2- 3750.00/2021	Mississauga Metals and Allows Inc.



# DO Forum Agenda



# Oct 2020 DO Forum Agenda

Date	TH	URSDAY, OCTOBER 22, 2020			
Time / Heure	9:0	00 AM - 12:00	Duration/Durée: 3 hours		
	1.	Opening Remarks / Ouverture (Ramzi Jammal)		9 h 00 – 9 h 15	
	2.	Panel Discussion / Discussion de groupe (Haidy Tadros, Greg Lamarre, Nadia Petseva and Y	9 h 15 – 10 h 25		
		Break	10 h 25 – 10 h 35		
Agenda ~ Ordre du	3.	Update from Secretariat / Mis à jour du Secr (Monica Hornof and Waleed Khan) Presentation: e-Doc 6402072	10 h 35 – 10 h 55	<i>b</i>	
jour	4.	Refresher from Legal Services / Remise à ni (Denis Saumure) Presentation: e-Doc 6402407	veau par Service juridiques	10 h 55 – 11 h 40	
	5.	Opportunity to be heard discussion / Discus (Haidy Tadros and Mark Broeders ) Presentation: e-Doc 6402075	11 h 40 – 11 h 55		
	6.	Wrap up / Sommaire de la journée		11 h 50 – 12 h 00	

٦	Date	FRI	DAY, OCTOBER 23, 2020		
	Time/ Heure	9:0	0 AM - 12:00	Duration/Durée: 3 hours	
		1.	Welcome / Bienvenue		9 h 00 – 9 h 10
		2.	DO program update / Mis à jour du program (Tetyana Panichevska) Presentation: e-Doc 6399026	9 h 10 – 9 h 30	
	Agenda ~	3.	Role of FMICD related to the DO licensing at relations des autorités d'autorisation (Isabelle Ricard and Sonia Racine) Presentation: e-Doc 6379946	9 h 30 – 10 h 00	
-	Ordre du jour		Break	10 h 00 – 10 h 10	
	jean	4.	Knowledge Transfer Lessons Learned/ Leço connaissances (Colin Moses and Karen Owen-Whitred) Presentation: e-Doc 6403141	10 h 10 – 10 h 30	
		5.	Open floor discussion/ Discussion ouvert		10 h 30 – 11 h 30
		6.	Wrap up / Sommaire de la journée		11 h 30 – 11 h 40

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