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Annual Program Report

Rapport annuel sur les programmes

**Status of the Designated  
Officer Program: 2016**

**État du programme des  
fonctionnaires désignés :  
2016**

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**Summary**

- This report is intended to consolidate the designated officer reporting requirement to the Commission, pursuant to subsection 37(5) of the *Nuclear Safety and Control Act*, on specific decisions made during the 2016 calendar year.
- This report also provides the Commission with additional information on Designated Officer Program activities and all designated officer authorities carried out during the 2016 calendar year.

There are no actions requested of the Commission. This CMD is for information only.

**Résumé**

- Ce rapport regroupe l'obligation des fonctionnaires désignés de faire rapport à la Commission, conformément au paragraphe 37(5) de la *Loi sur la sûreté et la réglementation nucléaires*, sur des tâches précises exécutées durant l'année civile 2016.
- Celui-ci fournit également à la Commission des renseignements supplémentaires sur les activités du Programme des fonctionnaires désignés et toutes les tâches exécutées par eux durant l'année civile 2016.

Aucune mesure n'est requise de la Commission. Ce CMD est fourni à titre d'information seulement.

**Signed/signé le**  
27 February 2018



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Marc Leblanc

**Commission Secretary, Secretariat**  
**Secrétaire de la Commission, Secrétariat**

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## EXECUTIVE SUMMARY

Under subsection 37(2) and paragraph 65.01(b) of the *Nuclear Safety and Control Act* (NSCA), the Commission may authorize designated officers (DOs) to carry out specific authorities. The Canadian Nuclear Safety Commission (CNSC) has established a program to assist DOs in carrying out their authorities. At a public Commission meeting in May 2014, the Commission designated 31 DO positions which better reflected the CNSC's operational needs. The Commission Secretariat and Regulatory Operations Branch collaborate in the implementation of the DO Program.

Pursuant to subsection 37(5) of the NSCA, DOs are required to report to the Commission on specific decisions that they made. During 2016, DOs made 1,170 decisions that were reportable to the Commission pursuant to subsection 37(5) of the NSCA. This report aims to consolidate this reporting requirement, with CNSC staff reporting these decisions to the Commission on behalf of the DOs. In total, and including the 1,170 decisions made by DOs that were reportable to the Commission, DOs carried out 4,268 authorities during 2016. DOs also issued 9 notices of violations and associated administrative monetary penalties during 2016.

The DO Program also includes an annual reporting component on the program's status. To fulfill this reporting component, this report provides the Commission with information on the DO authorities carried out during the 2016 calendar year, including: orders referred to the Commission for review pursuant to subsection 37(6) and the issuance of administrative monetary penalties under section 65.05 of the NSCA. This report also provides updates on DO Program continuous improvement initiatives, as well as DO training and DO position staffing changes.

During the presentation of the *Status of the Designated Officer Program: 2015* (2015 DO Report) in June 2016 [1], the Commission requested that

“The statistical data in the DO Report needs to include more detailed information and be grouped by specific actions.”

This action was saved and tracked by CNSC in the CNSC Regulatory Information Bank. [2] To address this action, additional details about the authorities carried out by DOs were included in this 2016 DO Report.

Referenced documents in this CMD are available to the public upon request.

# 1 OVERVIEW

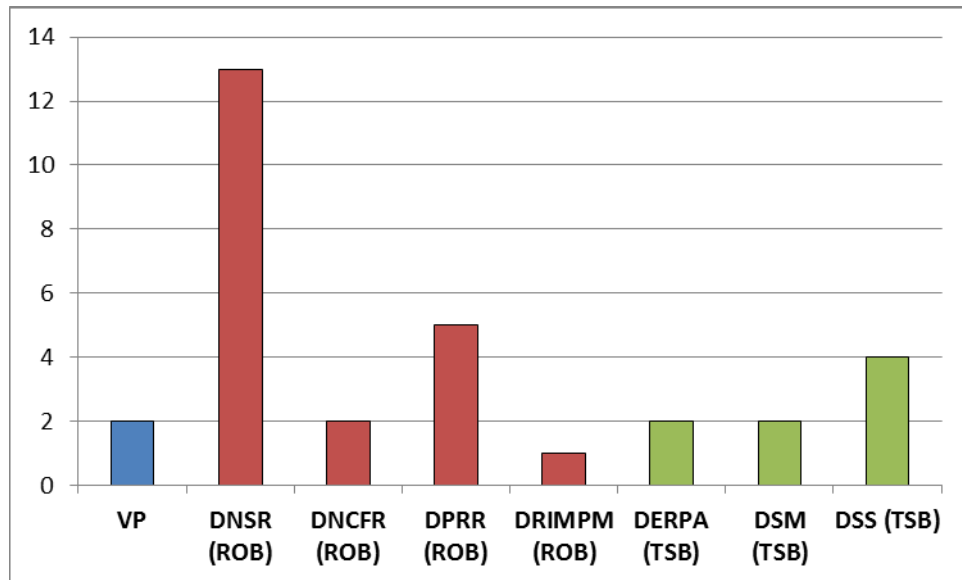
## 1.1 Background

Under subsection 37(1) *Nuclear Safety and Control Act* (NSCA) [3], the Commission may designate a person as a designated officer (DO). Further, under subsection 37(2) and paragraph 65.01(b) of the NSCA, the Commission may authorize a DO to have specific statutory powers and to carry out authorities under the NSCA. These authorities include – but are not limited to – lower-risk licensing decisions, certification decisions, making orders and making decisions on inspector orders. Because of the statutory powers held by DOs, a decision of a DO is a decision of the Commission.

DOs are a key element of the CNSC’s licensing and compliance framework and have been carrying out their statutory authorities since the coming into force of the NSCA in 2000. The Canadian Nuclear Safety Commission (CNSC) established a DO Program to support DOs in carrying out their authorities. The Commission Secretariat staff and the Regulatory Operations Branch (ROB) staff collaborate in the implementation of the DO Program.

At a May 2014 public Commission meeting, the Commission accepted CNSC staff’s recommendations in regard to positions with DO authorities, as detailed in CMD 14-M24 [4] and CMD 14-M24.B [5], and established 31 DO positions at the CNSC. The distribution of DO positions across ROB and the Technical Support Branch (TSB) is provided in Figure 1 below. After appointment to a position with DO authorities, the Commission has to designate the incumbent by name as a DO prior to their being authorized to carry out these authorities.

**Figure 1: Number of DO Positions by Directorate**





Annex A, *Designated Officer Positions and Authorities* provides the master list of the DO positions along with their corresponding authorities, as authorized by the Commission at the May 2014 meeting.

This annual DO Report fulfills the requirement to report on specific DO decisions for 2016, pursuant to subsection 37(5) of the NSCA and provides reporting on all DO authorities carried out during that calendar year. To fulfill reporting requirements and to obtain information regarding DO activities, all DOs submitted information for the 2016 calendar year including:

- all DO authorities carried out
- details about decisions for which reporting to the Commission was required pursuant to subsection 37(5) of the NSCA
- details for all matters referred to the Commission pursuant to subsection 37(6)
- details related to the issuance of administrative monetary penalties (AMPs) under section 65.05 of the NSCA

## 1.2 Highlights

Pursuant to subsection 37(5) of the NSCA and because some actions that can be taken by DOs can have significant prejudicial impacts on applicants and licensees – such as the refusal to issue a licence – DOs have a requirement to report to the Commission on specific decisions made. This report aims to consolidate this requirement for reporting to the Commission on these activities for 2016.

This report also provides additional information regarding all DO authorities carried out under subsection 37(2) and section 65.05 of the NSCA (AMPs) and orders referred to the Commission pursuant to subsection 37(6) of the NSCA. Although the reporting of these other authorities is not a statutory requirement, information about them is being provided annually to ensure that the Commission has an in-depth understanding about the authorities carried out by CNSC DOs in respect of licensing, certification, compliance and other regulatory activities.

This report also provides the Commission with DO Program updates, including DO position staffing changes, continuous improvement initiatives for the DO Program, as well as information about a DO licensing process self-assessment that was carried out in December 2016.

Finally, this report addresses the Commission recommendation to include more details about the authorities carried out by DOs in this report. [2] Details about the types of actions taken for the DO authorities under 37(2) of the NSCA such as licence renewals, amendments and transfers; order confirmations and revocations; and certification and decertifications, are provided in this report.

### **1.3 Overall conclusions**

This report is intended to be an annual report to the Commission fulfilling the reporting requirement pursuant to subsection 37(5) of the NSCA. This report also provides the Commission with updates about the DO Program.

This report provides the Commission with details about the 4,268 authorities that DOs carried out during the 2016 calendar year. These included 4,221 licensing and certification authorities and 47 non-licensing authorities. Of these 4,268 exercises of authority, DOs made 1,170 decisions that were reportable to the Commission pursuant to subsection 37(5) of the NSCA. All matters reportable pursuant to subsection 37(5) of the NSCA are now closed.

Through the information considered in this report, including DO Program continuous improvement initiatives and the 2016 licensing process self-assessment, the DO Program was found to have a solid foundation and to be effective in meeting DO and statutory requirements.

## 2 SUMMARY OF AUTHORITIES CARRIED OUT BY DESIGNATED OFFICERS

This section provides a summary of authorities carried out by CNSC DOs during 2016 under the following paragraphs of the NSCA:

- 37(2)(a): certify and decertify prescribed equipment for the purposes of the NSCA (certification of prescribed equipment)
- 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 (certification of persons)
- 37(2)(c): issue, on receipt of an application referred to in subsection 24(2), a licence of a class established by the Commission (issuance of a licence)
- 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 (licence renewals / amendments / revocations)
- 37(2)(e): designate any person whom the DO considers qualified as an inspector under subsection 29(1) (designation of inspectors)
- 37(2)(f): make any order that an inspector may make under subsection 35(1) or (2) (issuance of DO order)
- 37(2)(g): confirm, amend, revoke or replace any order made by an inspector (confirmation / amendment / revocation of inspector order)
- 37(2)(h): authorize the return to work of persons whose dose of radiation has or may have exceeded the prescribed radiation dose limits (return to work authorization)
- 65.05: If a person designated under paragraph 65.01(b) believes on reasonable grounds that a person has committed a violation, the designated person may issue a notice of violation and cause it to be served on the person (AMPs)

DOs carried out 4,268 authorities in 2016. Table 1 provides additional details regarding the authorities carried out by DOs during 2016. This table does not represent the entire list of DOs at the CNSC; only positions in which DO authorities were carried out are shown. Annex B, *Designated Officer Authorities Carried Out in 2016* provides additional comprehensive details about the DO authorities that were carried out in 2016.

**Table 1: Authorities carried out by DOs in 2016**

Title of Office / Directorate	Authorities carried out under NSCA 37(2) and 65.05								
	(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	65.05
Executive Vice-President and Chief Regulatory Operations Officer	0	0	0	0	0	0	1	0	0
Director General, Directorate of Nuclear Substance Regulation	0	0	0	0	9	0	13		8
Accelerators and Class II Facilities Division	0	21	55	271		0	0		
Nuclear Substances and Radiation Devices Licensing Division			80	1,705		0	0		
Transport Licensing and Strategic Support Division	143		50	22			3		
Director General, Directorate of Nuclear Cycle and Facilities Regulation			0	6	5	0	0		0
Directorate of Power Reactor Regulation					0	0	0		1
Director General, Directorate of Environmental and Radiation Protection and Assessment			0	6	1	0	0	0	0
Radiation Protection Division								6	
Director General, Directorate of Safety Management		310				0	0		0
Personnel Certification Division		243							
Director General, Directorate of Security and Safeguards			20	0	0	0	0		0
Non-Proliferation and Export Controls Division			1,072	217					
<b>Total (out of 4,268)</b>	<b>143</b>	<b>574</b>	<b>1,277</b>	<b>2,227</b>	<b>15</b>	<b>0</b>	<b>17</b>	<b>6</b>	<b>9</b>

Note: Shaded areas indicate positions for which these authorities are not authorized.

During the presentation of the 2015 DO Report at the June 2016 Commission meeting, Commission Members requested that future DO Reports include greater specificity as to the authorities that DOs carried out. As such, additional details in respect of the specific types of licensing, certification and compliance decisions that were taken by DOs are included in this report.

## 2.1 Authorities carried out by directorates

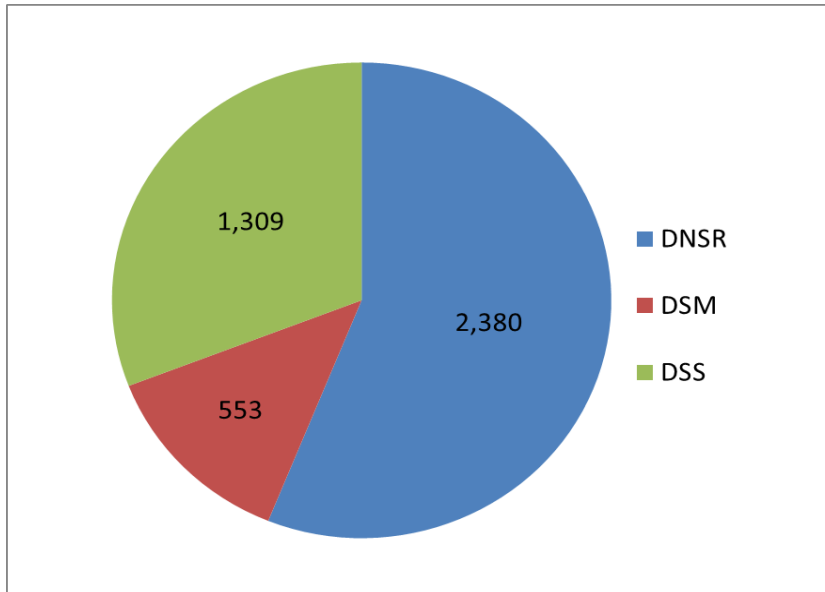
CNSC DOs carry out authorities in accordance with their position and operational responsibilities at the CNSC. As depicted in Annex A, DOs in more senior positions – such as Directors General – have more authorities than DOs in less senior positions – such as Directors. The Executive Vice-President and Chief Regulatory Operations Officer (EVP and CROO) of ROB and the Vice-President and Chief Science Officer (VP and CSO) of TSB have all of the authorities of the DOs in their respective Branch. This ‘pyramid style’ allocation of DO authorities ensures continuity of operations; should a DO be unable to carry out their authorities, a DO at a higher level in the same directorate, or either the EVP and CROO or the VP and CSO, could carry out the authority.

This continuity is especially important because, although the Commission designates DO positions, the Commission also designates DOs in those positions by name and authorizes these specific persons as DOs to carry out statutory powers under the NSCA. Furthermore, DOs carry out authorities and make decisions based on the mandate and the expertise of their directorate. As such, DO authorities are not transferable between CNSC staff and DOs have been designated by the Commission in seven CNSC directorates by name.

Figure 2 provides information about the number of authorities carried out by the three directorates that carried out the most authorities during 2016. The Directorate of Nuclear Substance Regulation (DNSR), the Directorate of Security and Safeguards (DSS) and the Directorate of Safety Management (DSM) carried out the most authorities in 2016. The remaining directorates with DOs – including the EVP and CROO – collectively carried out 26 authorities. However, this must not be taken as an indicator of the requirement for DO positions at the CNSC as there are specific authorities under subsection 37(2) of the NSCA unique to the directorates that carry out fewer authorities and require DOs with expertise specific to those directorates.

In addition to the authorities carried out by DOs in the seven CNSC directorates, the EVP and CROO confirmed one inspector order pursuant to paragraph 37(2)(g) of the NSCA during 2016. More detailed information about the authorities carried out by CNSC directorates is found below.

**Figure 2: Number of authorities carried out by lead directorates in 2016**



**2.1.1 DO Authorities carried out by the Directorate of Nuclear Substance Regulation (DNSR)**

The following authorities were carried out by DNSR DOs during 2016:

- Paragraph 37(2)(a), certification of prescribed equipment: 143 authorities were carried out by the Transport Licensing and Strategic Support Division (TLSSD).
- Paragraph 37(2)(b), certification of persons: 21 persons were certified by the Accelerators and Class II Facilities Division (ACFD).
- Paragraph 37(2)(c), issuance of licences: 55 licences were issued by ACFD, 80 licences were issued by the Nuclear Substance and Radiation Devices Licensing Division (NSRDLD) and 50 licences were issued by TLSSD.
- Paragraph 37(2)(d), licence renewals / amendments / revocations: 271 authorities were carried out by ACFD, 1,705 authorities were carried out by NSRDLD and 22 authorities were carried out by TLSSD. Of these authorities:
  - 670 were licence renewals
  - 1,015 were licence amendments
  - 313 were licence revocations
- Paragraph 37(2)(e), inspector designation: 9 authorities were carried out by the Director General, DNSR.

- Paragraph 37(2)(g), order confirmations / amendments / revocations: 13 authorities were carried out by the Director General, DNSR and 3 authorities were carried out by TLSSD. Of these:
  - 11 were order confirmations
  - 5 were order revocations

The DO decisions to revoke the orders were made because, at the time of the DO decision, the terms and conditions of the order had been met. These revocations do not indicate that the orders were not warranted and should have been referred to as confirmations rather than revocations. This was a procedural error identified during the revision of the data for this report and corrective actions have been applied.

### **2.1.2 DO authorities carried out by the Directorate of Nuclear Cycle and Facilities Regulation (DNCFR)**

The following authorities were carried out by DNCFR DOs in 2016:

- Paragraph 37(2)(d), licence renewals / amendments / revocations: 6 authorities were carried out by the Director General, DNCFR. Of these:
  - 4 were licence renewals
  - 2 were licence amendments
- Paragraph 37(2)(e), inspector designation: 5 authorities were carried out by the Director General, DNCFR. One authority included the designation of a new inspector and 4 authorities were in respect of inspector requalifications.

### **2.1.3 DO authorities carried out by the Directorate of Power Reactor Regulation (DPRR)**

During 2016, the only authority carried out by DPRR was the issuance of a Notice of Violation and Administrative Monetary Penalty (AMP) under section 65.05 of the NSCA by the Director General, DPRR. More information about this matter is provided in subsection 2.3 and in Annex C.

### **2.1.4 DO authorities carried out by the Directorate of Environmental and Radiation Protection and Assessment (DERPA)**

The following authorities were carried out by DERPA DOs in 2016:

- Paragraph 37(2)(d), licence renewals / amendments / revocations: 6 authorities carried out by the Director General, DERPA.
  - These authorities included 3 licence amendments and 3 licence renewals.
- Paragraph 37(2)(e), inspector designation: the Director General, DERPA carried out 1 inspector designation.
- Paragraph 37(2)(h), return to work authorization: 6 authorities were carried out by the Director, Radiation Protection Division.

### **2.1.5 DO authorities carried out by the Directorate of Safety Management (DSM)**

During 2016, DSM carried out 553 authorities under paragraph 37(2)(b) of the NSCA, the certification and decertification of persons under paragraph 44(1)(k) of the NSCA. These authorities included

- the certification of 455 exposure device operators
- the certification of 98 persons in specific Class IA facility positions [6]

### **2.1.6 DO authorities carried out by the Directorate of Security and Safeguards (DSS)**

The following authorities were carried out by DSS DOs in 2016

- Paragraph 37(2)(c), issuance of licences: 1,092 licences were issued including:
  - 20 import and export licences were issued by the Director General, DSS
  - 1,072 import and export licences were issued by DOs in the Non-Proliferation and Export Controls Division (NPECD)
- Paragraph 37(2)(d), licence renewals / amendments / revocations: 217 authorities were carried out by NPECD DOs including:
  - 202 licence amendments
  - 5 licence revocations
  - 10 licence transfers

## **2.2 Orders referred to the Commission pursuant to subsection 37(6) of the NSCA**

Subsection 37(6) of the NSCA states that “*A designated officer shall refer any order made under paragraph 37(2)(f) to the Commission for review and the Commission shall confirm, amend, revoke or replace the order.*” During the 2016 calendar year, no orders were made by DOs under paragraph 37(2)(f) of the NSCA and, as such, no orders were referred to the Commission under subsection 37(6).

## **2.3 Summary of authorities carried out under section 65.05 of the NSCA – Administrative Monetary Penalties (AMPs)**

During 2016, 9 notices of violation / AMPs were issued under section 65.05 of the NSCA, an increase from the 5 authorities carried out under the same section in 2015. In 2016, the following directorates issued notices of violation / AMPs:

- 8 notices of violation / AMPs issued by the Director General, DNSR
- 1 notice of violation / AMP issued by the Director General, DPRR



Pursuant to section 65.1 of the NSCA relating to the right to request a review, all persons who were served with a notice of violation were advised that they may make a request to the Commission for a review of the amount of the penalty, the facts of the violation or both. Although one request for review was filed by a licensee in 2016, this request was later withdrawn. As of December 21, 2016, all AMPs issued in 2016 were fully paid and the matters were considered closed.

Additional information about these matters, including internet links on the CNSC external website to the notices of violation, can be found in Annex C, *Designated officer authorities carried out under section 65.05 of the NSCA (AMPs)*.

## **2.4 Conclusion on authorities carried out by DOs**

CNSC DOs carried out 4,268 authorities during the 2016 calendar year. Of these, 4,221 were licensing and certification related authorities and 47 were non-licensing authorities, mostly related to licensing compliance.

Further, 9 AMPs were issued, 12 inspector orders were confirmed and 5 inspector orders were revoked by DOs in 2016.

As in 2015, the majority (55%) of DO authorities were carried out by DNSR DOs. The balance of authorities was primarily carried out by DSS (31%) and DSM (13%).

### **3 DECISIONS REPORTABLE TO THE COMMISSION PURSUANT TO SUBSECTION 37(5) OF THE NSCA**

Pursuant to subsection 37(5) of the NSCA and because some actions that can be taken by DOs can have significant prejudicial impacts on applicants and licensees – such as the refusal to issue a licence – the following specific decisions made by DOs are reportable to the Commission:

- 37(5)(a): a refusal by the designated officer to issue, renew, suspend, amend, revoke or replace a licence or authorize its transfer
- 37(5)(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)
- 37(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
- 37(5)(d): a confirmation, amendment, revocation or replacement of an order under paragraph 37(2)(g)

During the 2016 calendar year, DOs made 1,170 decisions that were reportable to the Commission pursuant to subsection 37(5) of the NSCA. Of these

- 5 decisions were in regard to the refusal to renew a licence (NSCA paragraph 37(5)(a))
- 1,147 licences were issued with a requirement for a financial guarantee, including new licences, renewals and amendments (NSCA paragraph 37(5)(b))
- 1 decision was made in regard to a licence renewal with an amendment in licence terms (37(5)(c))
- 17 decisions were made in regard to the confirmation or revocation of inspector orders (NSCA paragraph 37(5)(d))

All of these decisions were made by DNSR DOs with the exception of one decision that was made by the EVP and CROO under 37(5)(d). Annex D provides comprehensive information, including web links, on all reportable decisions made by DOs pursuant to subsection 37(5). This section of the report is intended to fulfill DO reporting requirements pursuant to subsection 37(5) of the NSCA for the 2016 calendar year.

#### **3.1 Conclusion on DO decisions reportable to the Commission**

With this report, the requirement for DOs to report to the Commission on decisions made pursuant to subsection 37(5) is considered to be satisfied for the 2016 calendar year.

## **4 DO PROGRAM UPDATES AND INITIATIVES**

### **4.1 Staffing updates**

During 2016, there were numerous staffing changes which led to some turnover in CNSC DO positions. Namely, a May 2016 rotation in Directors General led to DO changes in DNCFR, DPRR, DRIMPM, DSM and DSS. There were also changes in leadership at the Director level for several DNSR, DPRR and DNCFR divisions leading to additional DO changes. In total, there were 15 changes in DOs. Detailed information regarding these staffing changes is seen in Annex B.

Throughout these changes to the staffing of positions with DO authorities it was ensured that adequate training was provided to the incumbents through the DO Training and Assistance Program. Training and assistance for DOs includes briefings with the Commission Secretary and Senior General Counsel, on-the-job learning and mentorship by existing DOs, and the provision of resources such as DO decision-making work instructions.

### **4.2 Continuous improvement initiatives**

#### **4.2.1 DO licensing process self-assessment**

In 2016, CNSC staff carried out a self-assessment on the DO licensing process and compiled a report with findings on good practices and suggested improvements to this process. [7] The self-assessment focused on the licensing process, not on the decisions themselves, assessing whether the appropriate tools and information were available to DOs to facilitate their carrying out their authorized decision making in a consistent and transparent manner.

CNSC staff presented the findings from the self-assessment and management action plan (MAP) in response to the findings to senior CNSC management in February 2017, with the MAP accepted as presented. [8] Overall, the self-assessment showed that the DO licensing process was well-established. However, the self-assessment identified seven key recommendations and initiatives, including:

- the requirement for all DOs, new and existing, to undergo the DO Training and Assistance Program (completed by December 2017)
- additional legal assistance to be provided to DOs, as required, by CNSC Legal Services
- the establishment of an annual DO Community Forum, with the first forum scheduled for April 17, 2018, to provide DOs with the opportunity to share operational experience through case studies and lessons learned, as well as refresher training (CNSC staff notes that the establishment of a DO Community Forum was initially suggested by the Commission during the presentation of the 2015 DO Report at the June 2016 Commission meeting [9].)

As recommended in the MAP, CNSC staff is also revising the *Maintenance Plan for: Designated Officer Program*. [10] This revision will ensure that the DO program, maintenance of the various elements of the DO Program and responsibilities for maintenance activities are well established, documented and current.

Additionally, following the presentation of the self-assessment, senior management agreed with the recommendation that a DO Program self-assessment should be carried out every five years.

#### **4.2.2 Other Continuous Improvement Initiatives**

The 2015 DO Report reported on several continuous improvement initiatives that were undertaken in respect of the DO Program. During 2016, initiatives that were completed included:

- the setup of a bulletin board on the CNSC intranet to notify DOs of updates, changes and improvements to the DO Program
- the creation of a DO community page on the CNSC intranet which contains documents that inform and assist DOs and other CNSC staff on the exercise of DO authorities; also used to obtain DO questions, suggestions and feedback
- the development of work instructions, templates, guidance documents, training materials and delivery of training to DOs who have the authority to make orders and to their administrative assistants [11]

In the collection of the data for this report, the need for a more streamlined and consistent process in this regard was identified, especially as it relates to the tracking of DO decisions that are reportable to the Commission pursuant to subsection 37(5) of the NSCA. In this effort, a database is being set up to track these decisions in one place. It is anticipated that this database will be ready by mid-2018.

## 5 OVERALL CONCLUSIONS

During 2016, CNSC DOs carried out 4,268 authorities, including 4,221 licensing authorities and 47 non-licensing authorities. Out of these authorities, 55% were carried out by DNSR DOs and included all equipment certification under 37(2)(a) and the majority of licence issuance, amendment or renewal under paragraphs 37(2)(c) and (d) of the NSCA. Of the licensing activities under 37(2)(d) of the NSCA, the majority involved licence amendments, closely followed by licence renewals.

DSM DOs carried out the majority of certification authorities, 553 out of 574, under paragraph 37(2)(b) and DSS DOs issued 1,092 import and export licences, representing 31% of the authorities carried out under paragraph 37(2)(c) of the NSCA.

DOs issued 9 AMPs under section 65.05, with 1 AMP issued by the Director General, DPRR and 8 AMPs issued by the Director General, DNSR. There were no matters referred to the Commission pursuant to subsection 37(6) of the NSCA in 2016.

Of the authorities carried out during the 2016 calendar year, 1,170 decisions were reportable to the Commission pursuant to subsection 37(5) of the NSCA. With this report, the DO requirement to report to the Commission on the decisions made that were reportable pursuant to subsection 37(5) of the NSCA is considered to be satisfied for 2016.

Considering the annual nature of this report, it is being recommended that all DOs establish a tracking mechanism for all their DO decisions for easier future reporting. Additionally, all DO decisions that are reportable to the Commission will be tracked as they occur in a separate database.

Through self-assessment and other continuous improvement activities, the DO internal bulletin board, the DO Community Forum and other initiatives, were implemented within the DO Program. The next DO Report for the 2017 calendar year will provide further updates on DO Program initiatives, including information about the DO Community Forum scheduled for April 2018.

Finally, through the information considered in this report, including DO Program continuous improvement initiatives and the 2016 licensing process self-assessment, the DO Program was found to have a solid foundation and to be effective.

## REFERENCES

1. CNSC CMD 16-M24, *Status of the Designated Officer Program: 2015*, June 2016.
2. *Minutes of the Canadian Nuclear Safety Commission (CNSC) Meeting held on June 22-23, 2016*, paragraph 80, Regulatory Information Bank Action #8578.
3. *Nuclear Safety and Control Act* (S.C. 1997, c. 9).
4. Request for Commission acceptance of CMD 14-M24, *List of CNSC Staff Positions to Make Designated Officer Positions and Duties*, 2014, e-Doc 4417271.
5. Request for Commission acceptance of Supplementary CMD 14-M24.B, *List of CNSC Staff Positions to Make Designated Officer Positions and Duties, Annex D: Designated Officer Positions and Duties*, 2014, e-Doc 4426417.
6. As provided for by sections 9 to 13 of the *Class I Nuclear Facilities Regulations* (SOR-2000/204).
7. *Self-Assessment Report, Designated Officer (DO) Licensing Decision Process*, CNSC staff report, December 2016, e-Doc 5087197.
8. *Self-Assessment Report of Designated Officer Licensing Process and Proposed Management Response*, February 2017, e-Doc 5156730.
9. Transcript of the *Meeting of the Canadian Nuclear Safety Commission*, June 22, 2016, page 133, e-Doc 5037338.
10. *Maintenance Plan for: Designated Officer Program*, May 2015, e-Doc 4514523.
11. *How to: Issue Designated Officer Order*, March 2016, e-Doc 4923288.

## ACRONYM LIST

AMP	Administrative Monetary Penalty
ACFD	Accelerators and Class II Facilities Division
CMD	Commission Member Document
CNSC	Canadian Nuclear Safety Commission
DERPA	Directorate of Environmental and Radiation Protection and Assessment
DNCFR	Directorate of Nuclear Cycle and Facilities Regulation
DNSR	Directorate of Nuclear Substance Regulation
DPRR	Directorate of Power Reactor Regulation
DRIMPM	Directorate of Regulatory Improvement and Major Projects Management
DSM	Directorate of Safety Management
DSS	Directorate of Security and Safeguards
DO	Designated officer
EVP and CROO	Executive Vice-President and Chief Regulatory Operations Officer
MAP	Management Action Plan
NPECD	Non-Proliferation and Export Controls Division
NSCA	<i>Nuclear Safety and Control Act</i>
NSRDLD	Nuclear Substances and Radiation Devices Licensing Division
ROB	Regulatory Operations Branch
TLSSD	Transport Licensing and Strategic Support Division
TSB	Technical Support Branch
VP	Vice-President
VP and CSO	Vice-President and Chief Science Officer

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### A. DESIGNATED OFFICER POSITIONS AND AUTHORITIES

This table lists the 31 DO positions and corresponding authorities at the CNSC, as designated by the Commission in 2014.

Designated Officer Positions & Authorities										
Title of Office ↓	Auth. →	Certify and decertify prescribed equipment for the purposes of the Act	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 identified in part I, II or V of the "Classes of Licences" [CMD 01-M17].	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].	Designate any person whom the Designated Officer considers qualified as an Inspector under subsection 29(1).	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)
		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>Executive VP and Chief Regulatory Operations Officer</b>		✓	✓	✓	✓	✓	✓	✓	✓	✓
<b>Regulatory Operations Branch</b>										
<b>Director General</b>		✓	◆	◆	◆	◆	◆	◆		◆
<b>Directorate of Nuclear Substance Regulation (DNSR)</b>										
Director Accelerators and Class II Facilities Division		✓	◆◆	◆◆	◆◆		◆	◆		
Senior Project Officer (maximum 1 position) Accelerators and Class II Facilities Division				◆◆	◆◆					
Program Officer (maximum 1 position) Accelerators and Class II Facilities Division				◆◆	◆◆					
Director Nuclear Substances and Radiation Devices Licensing Division				◆◆	◆◆		◆	◆		
Licensing Project Officer (maximum 4 positions) Nuclear Substances and Radiation Devices Licensing Division				◆◆	◆◆					
Director Transport Licensing and Strategic Support Division		✓		◆◆	◆◆		◆	◆		
Transport Specialist (maximum 1 position) Transport Licensing and Strategic Support Division		◆◆		◆◆	◆◆					
Program Officer (maximum 1 position) Transport Licensing and Strategic Support Division		◆◆		◆◆	◆◆					
Director Operations Inspection Division							◆	◆		
<b>Director General</b>				◆	◆	◆	◆	◆		◆
<b>Directorate of Nuclear Cycle and Facilities Regulation (DNCFR)</b>										
Director Nuclear Laboratories and Research Reactors Division							◆◆			
<b>Director General</b>						◆	◆	◆		◆
<b>Directorate of Power Reactor Regulation (DPRR)</b>										
Director Bruce Regulatory Program Division							◆◆			
Director Pickering Regulatory Program Division							◆◆			
Director Darlington Regulatory Program Division							◆◆			
Director Gentilly-2/Point Lepreau Regulatory Program Division							◆◆			
<b>Director General, Directorate of Regulatory Improvement and Major Projects Management (DRIMPM)</b>						◆	◆	◆		◆
<b>Vice-President</b>			✓	✓	✓	✓	✓	✓	✓	✓
<b>Technical Support Branch</b>										
<b>Director General, Directorate of Environmental and Radiation Protection and Assessment (DERPA)</b>				◆	◆	◆	◆	◆	✓	◆
Director Radiation Protection Division									✓	
<b>Director General</b>			◆ *				◆	◆		◆
<b>Directorate of Safety Management (DSM)</b>			◆◆ *							
Director Personnel Certification Division										
<b>Director General</b>				◆	◆	◆	◆	◆		◆
<b>Directorate of Security and Safeguards (DSS)</b>										
Director Non-Proliferation and Export Controls Division				◆◆	◆◆					
Senior Advisor (maximum 2 positions) Non-Proliferation and Export Controls Division				◆◆	◆◆					
<b>Legend</b>										
✓	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 the VPs									

## B. DESIGNATED OFFICER AUTHORITIES CARRIED OUT IN 2016

Summary of the DO authorities carried out under sections 37 and 65.05 of the NSCA in 2016.

Designated Officer Program - Authorities Carried Out in 2016										
Title of Office ↓	Auth.→	Numbers of Authorities Carried Out Under Sections of the Nuclear Safety and Control Act (NSCA)								
		Certify and decertify prescribed equipment for the purposes of the NSCA	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.	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 established by the Commission.	Designate any person whom the Designated Officer considers qualified as an Inspector under subsection 29(1).	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)
	Name of Designated Officer	37(2)(a)	37(2)(b)	37(2)(c)	37(2)(d)	37(2)(e)	37(2)(f)	37(2)(g)	37(2)(h)	
<b>Executive VP and Chief Regulatory Operations Officer Regulatory Operations Branch</b>	<b>Ramzi Jammal</b>	0	0	0	0	0	0	Total: 1 Confirmations: 1	0	0
<b>Director General Directorate of Nuclear Substance Regulation (DNSR)</b>	<b>Colin Moses</b>	0	0	0	0	9	0	13 Confirmations: 9 Revocations: 5		8
Director Accelerators and Class II Facilities Division	Kavita Murthy (until February 2016)	0	21	55	271 Renewals: 16 Amended: 181 Revoked: 74		0	0		
Director Accelerators and Class II Facilities Division	Mark Broeders (from March 2016, duties reported under K. Murthy)									
Senior Project Officer (maximum 1 position) Accelerators and Class II Facilities Division	Jacinthe Plante (duties reported under K. Murthy)									
Program Officer (maximum 1 position) Accelerators and Class II Facilities Division	Mark Broeders (Until March 2016, duties reported under K. Murthy)									
Program Officer (maximum 1 position) Accelerators and Class II Facilities Division	Jeff Sandeman (from August 2016, duties reported under K. Murthy)									
Director Nuclear Substances and Radiation Devices Licensing Division	Peter Fundarek			80	1705 Renewals: 632 Amended: 834 Revoked: 239		0	0		
Licensing Project Officer (maximum 4 positions) Nuclear Substances and Radiation Devices Licensing Division	Natalie Ringuette (duties reported under P. Fundarek)									
Licensing Project Officer (maximum 4 positions) Nuclear Substances and Radiation Devices Licensing Division	Karen Mayer (duties reported under P. Fundarek)									
Licensing Project Officer (maximum 4 positions) Nuclear Substances and Radiation Devices Licensing Division	Paul Matthews (duties reported under P. Fundarek)									
Licensing Project Officer (maximum 4 positions) Nuclear Substances and Radiation Devices Licensing Division	Neil Babcock (duties reported under P. Fundarek)									
Director Transport Licensing and Strategic Support Division	Sylvain Faille	143		50	22 Renewals: 22			3 Confirmations: 3		
Transport Specialist (maximum 1 position) Transport Licensing and Strategic Support Division	Rajesh Garg (duties reported under S. Faille)									
Program Officer (maximum 1 position) Transport Licensing and Strategic Support Division	Isabelle Tremblay (until January 2016, duties reported under S. Faille)									
Director Operations Inspection Division	Henry Rabski						0	0		
<b>Director General Directorate of Nuclear Cycle and Facilities Regulation (DNCFR)</b>	<b>David Newland</b> (until May 2016)			0	0	0	0	0		0
<b>Director General Directorate of Nuclear Cycle and Facilities Regulation (DNCFR)</b>	<b>Haidy Tadros</b> (from May 2016)			0	Total: 6 Renewals: 4 Amendments: 2	Total: 5 Requal.: 4 New insp.: 1	0	0		0
Director Nuclear Laboratories and Research Reactors Division	Christian Carrier (until February 2016)						0			
Director Nuclear Laboratories and Research Reactors Division	Jean LeClair (from August 2016)						0			
<b>Director General Directorate of Power Reactor Regulation (DPRR)</b>	<b>Barclay Howden</b> (until April 2016)					0	0	0		0
<b>Director General Directorate of Power Reactor Regulation (DPRR)</b>	<b>Gerry Frappier</b> (from May 2016)					0	0	0		1
Director Bruce Regulatory Program Division	Ken Lafrenière						0			
Director Pickering Regulatory Program Division	Miguel Santini (until May 2016)						0			
Director Pickering Regulatory Program Division	Alexandre Viktorov (from August 2016)						0			
Director Darlington Regulatory Program Division	François Rinfret (until March 2016)						0			
Director Darlington Regulatory Program Division	Miguel Santini (from May 2016)						0			
Director Gently-2/Point Lepreau Regulatory Program Division	Benoit Poulet						0			
<b>Director General, Directorate of Regulatory Improvement and Major Projects Management (DRIMPM)</b>	<b>Haidy Tadros</b> (until May 2016)					0	0	0		0
<b>Director General, Directorate of Regulatory Improvement and Major Projects Management (DRIMPM)</b>	<b>Raoul Awad</b> (from May 2016)					0	0	0		0
<b>Vice-President Technical Support Branch</b>	<b>Terry Jamieson</b>		0	0	0	0	0	0	0	0
<b>Director General, Directorate of Environmental and Radiation Protection and Assessment (DERPA)</b>	<b>Patsy Thompson</b> (until March 2016)			0	1 Amendments: 1	0	0	0	0	0
<b>Director General, Directorate of Environmental and Radiation Protection and Assessment (DERPA)</b>	<b>Michael Rinker</b> (from March 2016)			0	5 Amendments: 2 Renewals: 3	1	0	0	0	0
Director Radiation Protection Division	Caroline Purvis								6	
<b>Director General Directorate of Safety Management (DSM)</b>	<b>Kathleen Heppell-Masys</b> (until May 2016)				Total: 224 EDO certification: 197 Class IA certification: 27		0	0		0
<b>Director General Directorate of Safety Management (DSM)</b>	<b>Greg Lamarre</b> (from May 2016)				Total: 86 EDO certification: 35 Class IA certification: 51		0	0		0
Director Personnel Certification Division	Corinne Françoise (from April 2016)				Total: 243 EDO certification: 223 Class IA certification: 20					
<b>Director General Directorate of Security and Safeguards (DSS)</b>	<b>Raoul Awad</b> (until February 2016)			10	0	0	0	0		0
<b>Director General Directorate of Security and Safeguards (DSS)</b>	<b>Kathleen Heppell-Masys</b> (from March 2016)			10	0	0	0	0		0
Director Non-Proliferation and Export Controls Division	Larry Chamney			931	Total: 183 Amendments: 171 Revocations: 2 Transfers: 10					
Senior Advisor (maximum 2 positions) Non-Proliferation and Export Controls Division	vacant									
Senior Advisor (maximum 2 positions) Non-Proliferation and Export Controls Division	Claire Pike (until August 2016)			141	Total: 34 Amendments: 31 Revocations: 3					

### C. DESIGNATED OFFICER AUTHORITIES CARRIED OUT UNDER SECTION 65.05 OF THE NSCA (AMPs) IN 2016

Designated Officer Position	Licensee	Violation	Amount of AMP	AMP No. / Date	Status of action
Director General, DPRR	Ontario Power Generation Inc.	NSCA, paragraph 48(c) <sup>1</sup>	\$31,690	<a href="#">2016-AMP-01</a> / January 15, 2015	Paid in full on June 28, 2016
Director General, DNSR	Nasiruddin Engineering Limited	RPR, subparagraph 4(a)(i) <sup>2</sup>	\$3,730	<a href="#">2016-AMP-02</a> / February 4, 2016	Paid in full on February 10, 2016
Director General, DNSR	City of Ottawa	NSCA, paragraph 48(c)	\$7,930	<a href="#">2016-AMP-03</a> / February 25, 2017	Paid in full on March 16, 2016
Director General, DNSR	Nuclear Services Canada	PTNSR, 2015, paragraph 26(1)(a) <sup>3</sup>	\$6,460	<a href="#">2016-AMP-04</a> / May 2, 2016	Paid in full on June 9, 2016
Director General, DNSR	Hoban Equipment Limited	NSCA, section 26 <sup>4</sup>	\$10,360	<a href="#">2016-AMP-05</a> / September 7, 2016	Paid in full on October 3, 2016
Director General, DNSR	Glencore Canada Corporation	NSCA, paragraph 48(c)	\$1,000	<a href="#">2016-AMP-06</a> / September 29, 2016	Paid in full on October 4, 2016
Director General, DNSR	R.M. Belanger	RPR, subparagraph 4(a)(i)	\$4,900	<a href="#">2016-AMP-07</a> / November 18, 2016	Paid in full, November 30, 2016
Director General, DNSR	Milner Power Inc.	NSCA, paragraph 48(c)	\$3,970	<a href="#">2016-AMP-08</a> / November 9, 2016	Paid in full, November 30, 2016
Director General, DNSR	Interior Health Authority	NSRDR, paragraph 36(1)(a) <sup>5</sup>	\$1,000	<a href="#">2016-AMP-09</a> / November 23, 2016	Paid in full, December 21, 2016

<sup>1</sup> Paragraph 48(c) of the NSCA states that “Every person commits an offence who fails to comply with any condition of a licence.”

<sup>2</sup> *Radiation Protection Regulations*, SOR/2000-203. Subparagraph 4(a)(i) provides for, as part of a licensee’s radiation protection program, the management of work control practices to maintain radiation doses as low as reasonably achievable.

<sup>3</sup> *Packaging and Transport of Nuclear Substances Regulations, 2015*, SOR/2015-145. Paragraph 26(1)(a) provides for the packaging in which radioactive material shall be contained for transport.

<sup>4</sup> Section 26 of the NSCA provides for the activities which, subject to the regulations, no personal shall conduct without a CNSC licence.

<sup>5</sup> *Nuclear Substances and Radiation Devices Regulations*, SOR/2000-207. Paragraph 36(1)(a) provides for the records that must be kept by licensees.

## D. DESIGNATED OFFICER DECISIONS REPORTABLE PURSUANT TO SECTION 37(5) OF THE NSCA IN 2016

**Note:** All orders that were revoked during 2016 were revoked because the licensee met all conditions of the order, not because the order should not have been issued. This procedural has been identified and corrective actions in this regard have been taken.

Date of DO decision	DO title of office	Reportable decision taken	Status of Matter
January 19, 2016 (This matter was also reported in the 2015 DO Report but was closed in 2016)	EVP and CROO	37(5)(d) – Decision to confirm order to the Ministry of Northern Development and Mines	<a href="#">Order confirmed</a> ; matter closed
January 22, 2016	Director General, DNSR	37(5)(d) – Decision to revoke order to GEM Testing Ltd.	<a href="#">Order revoked</a> ; matter closed
January 22, 2016	Director General, DNSR	37(5)(d) – Decision to revoke order to Englobe Corp.	<a href="#">Order revoked</a> ; matter closed
January 22, 2016	Director General, DNSR	37(5)(d) – Decision to confirm order to Porocel of Canada, Ltd.	<a href="#">Order confirmed</a> ; matter closed
March 21, 2016	Director, NSRDLD	37(5)(a) – Refusal to renew licence for Thompson Creek Metals Inc.	Licence renewal refused
March 30, 2016	Director, NSRDLD	37(5)(a) – Refusal to renew licence for M.C.P.D. Consultants Inc.	Licence renewal refused
April 13, 2016	Director General, DNSR	37(5)(d) – Decision to revoke order to PML Inspection Services Ltd.	<a href="#">Order revoked</a> ; matter closed
April 18, 2016	Director General, DNSR	37(5)(d) – Decision to revoke order to Tomlinson Enterprises Ltd.	<a href="#">Order revoked</a> ; matter closed
April 22, 2016	Director General, DNSR	37(5)(d) – Decision to revoke order to Canadian Tower Scanning Inc.	<a href="#">Order revoked</a> ; matter closed
May 10, 2016	Director General, DNSR	37(5)(d) – Decision to confirm order to Nuclear Services Canada	<a href="#">Order confirmed</a> ; matter closed
June 14, 2016	Director, NSRDLD	37(5)(a) – Refusal to authorize transfer of licence for the Mark Anthony Group Inc.	Licence transfer refused

<b>Date of DO decision</b>	<b>DO title of office</b>	<b>Reportable decision taken</b>	<b>Status of Matter</b>
June 30, 2016	Director, NSRDLD	37(5)(c) – Licence renewal with change of licence terms for AVC Clinics BC Ltd.	Licensed activities limited in licence renewal
July 22, 2016	Director General, DNSR	37(5)(d) – Decision to confirm order to Group ABS Inc.	<a href="#">Order confirmed</a> ; matter closed
August 4, 2016	Director General, DNSR	37(5)(d) – Decision to confirm order to Hoban Equipment Ltd.	<a href="#">Order confirmed</a> ; matter closed
September 15, 2016	Director, TLSSD	37(5)(d) – Decision to confirm order to WSP Canada Inc.	<a href="#">Order confirmed</a> ; matter closed
September 15, 2016	Director, TLSSD	37(5)(d) – Decision to confirm order to Arthon Industries Limited	<a href="#">Order confirmed</a> ; matter closed
September 15, 2016	Director, TLSSD	37(5)(d) – Decision to confirm order to R.M. Belanger	<a href="#">Order confirmed</a> ; matter closed
September 28, 2016	Director NSRDLD	37(5)(a) – Refusal to renew licence for Levelton Consultants Ltd.	Licence renewal refused
October 19, 2016	Director General, DNSR	37(5)(d) – Decision to confirm order to Milner Power Inc.	<a href="#">Order confirmed</a> ; matter closed
October 20, 2016	Director General, DNSR	37(5)(d) – Decision to confirm order to Dawson Construction Limited	<a href="#">Order confirmed</a> ; matter closed.
October 28, 2017	Director, NSRDLD	37(5)(a) – Refusal to renew licence for Hoban Equipment Ltd.	Licence renewal refused
November 9, 2016	Director General, DNSR	37(5)(d) – Decision to confirm order to Agnico-Eagle Mines Ltd.	<a href="#">Order confirmed</a> ; matter closed.
December 6, 2016	Director General, DNSR	37(5)(d) – Decision to confirm order to Horizon Engineering Inc.	<a href="#">Order confirmed</a> ; matter closed.
Entire 2016 calendar year	DNSR	37(5)(b) – 1,147 licences issued with financial guarantees	1,147 licences issued