

Record of Proceedings, Including Reasons for Decision

In the Matter of

Applicant Bruce Power Inc.

Subject Application to Amend the Bruce A and Bruce B
Nuclear Generating Stations Power Reactor
Operating Licences to Reflect Updates in
Documentation

Hearing Date July 14, 2006

RECORD OF PROCEEDINGS

Applicant: Bruce Power Inc.

Address/Location: Bruce Power Inc., Box 3000 - B06, 177 Tie Road, Municipality of Kincardine, R.R.#2, Tiverton, Ontario, N0G 2T0

Purpose: Application to amend the Bruce A and Bruce B Nuclear Generating Stations Power Reactor Operating Licences to reflect updates in documentation

Application received: July 10, 2006

Date(s) of hearing: July 14, 2006

Location: Canadian Nuclear Safety Commission (CNSC) President's Office, 280 Slater St., 12th Floor, Ottawa, Ontario

Members present: L. Keen, chair

Secretary: M. Leblanc

Recording Secretary: M. Young

Licence: Amended
Date of Decision: July 14, 2006

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Introduction

1. Bruce Power Inc. (Bruce Power) has applied to the Canadian Nuclear Safety Commission (CNSC¹) to amend the Bruce A and Bruce B Power Reactor Operating Licences (PROLs) 15.05/2009 and 16.07/2009, respectively, in order to:
 - amend Appendix F and add Appendix G to the Bruce A PROL to allow for the official implementation of the Requalification Testing Program for Authorized Nuclear Operators (ANOs), Control Room Shift Supervisors (CRSSs) and Shift Managers (SMs) to begin on January 1, 2006;
 - amend Appendices F and G of the Bruce B PROL to extend the transitional provisions for the implementation of the Requalification Testing Program for ANOs, CRSSs and SMs;
 - include in both PROLs a new licence condition requiring compliance with Regulatory Standard S-98 Revision 1 “Reliability Programs for Nuclear Power Plants”; and
 - amend Bruce B PROL Appendix B, Section 3.1 to refer to Revision 10 of BP-OPP-00001 “Operating Policies and Principles – Bruce B”.

Issues

2. In considering the application, the Commission was required to decide:
 - a) if Bruce Power is qualified to carry on the activities that the licences would authorize, pursuant to subsection 24(4) of the *Nuclear Safety and Control Act*² (NSCA);
 - b) if, in carrying on those activities, Bruce Power would make adequate provision for the protection of the environment, the health and safety of persons and the maintenance of national security and measures required to implement international obligations to which Canada has agreed, pursuant to subsection 24(4) of the NSCA.

Hearing

3. Pursuant to section 22 of the NSCA, the President of the Commission established a Panel of the Commission to review the application.

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

² S.C. 1997, c. 9

4. The Panel of the Commission (hereafter referred to as the Commission), in making its decision, considered information presented for a hearing held on July 14, 2006 in Ottawa, Ontario. During the hearing, the Commission considered a written submission from CNSC staff (CMD 06-H122).
5. The hearing was conducted in accordance with Rule 3 of the *Canadian Nuclear Safety Commission Rules of Procedure*³. In establishing the process, a standing panel on procedural matters determined that it was not necessary to hold a public hearing on the matter, and the hearing was conducted by a panel of one commission member, based on the written submission.

Decision

6. Based on its consideration of the matter, as described in more detail in the following sections of this *Record of Proceedings*, the Commission is satisfied that Bruce Power is qualified to carry out the activities that the amended licences will authorize and, in carrying out those activities, will continue to make adequate provision for the protection of the environment, the health and safety of persons and the maintenance of national security and measures required to implement international obligations to which Canada has agreed. Therefore,

the Commission, pursuant to section 24 of the Nuclear Safety and Control Act, approves the amendments to the Bruce A PROL 15.05/2009 and the Bruce B PROL 16.07/2009, issued to Bruce Power Inc.

7. The Commission includes in the amendments the conditions proposed by CNSC staff in CMD 06-H122 regarding requalification testing, Regulatory Standard S-98 compliance and revised Operating Policies and Principles.

Issues and Commission Findings

8. In making its licensing decision under section 24 of the NSCA, the Commission considered whether the amendments would have any impact on the qualifications of the licensee to carry out the activities authorized under the current licences, and the adequacy of the measures in place for protecting the environment, the health and safety of persons, national security and international obligations to which Canada has agreed.

³ SOR/2000-211

Qualifications and Protection Measures

Requalification Testing Program

9. CNSC staff reported that Bruce Power was in violation of the Bruce A PROL, which states that each certified worker shall successfully complete a written requalification test at least once every two calendar years, because it failed to seek a licence amendment or begin the implementation of requalification testing in a timely manner. All ANOs, CRSSs and SMs who obtained their initial certification prior to April 1, 2004 should have successfully completed one written requalification test before January 1, 2006. CNSC staff reported that, according to Bruce A's requalification testing schedule, all currently certified ANOs, CRSSs and SMs may not complete their first official requalification test until September 2007.
10. Bruce Power reported that delaying the official implementation of the Requalification Testing Program at Bruce A until January 1, 2006 was consistent with its primary objective of safe plant operation and was acceptable because the currently certified ANOs, CRSSs, and SMs had been recently certified in 2003 or later. Bruce Power reported that pilot implementation of the Requalification Testing Program had taken place during 2005 and the overall performance of the certified staff was satisfactory. Bruce Power also reported that remedial training had been given as needed to address all significant deficiencies identified in the performance of individual ANOs and SMs.
11. CNSC staff reported that the proposed changes to the conditions of Appendices F and the addition of the new Appendix G would allow the start of an orderly official implementation of the Requalification Testing Program for ANOs, CRSSs and SMs at Bruce A, beginning January 1, 2006. In addition, the proposed changes to the conditions of Appendices F and Appendix G would allow the continued requalification testing of ANOs, CRSSs and SMs at Bruce B. CNSC staff reported that the amendments had been reviewed and endorsed by the Training Program Evaluation Division and the Personnel Certification Division of the CNSC.
12. The Commission is satisfied that the amendments to the PROLs will allow for the implementation of the Requalification Testing Program. The Commission also expects Bruce Power to address the related issues in a timelier manner and that the failure to meet target dates will be reported to the Commission as a Significant Development Report. The Commission notes that Bruce Power must report back to the Commission in 12 to 18 months in order to assess the progress made on this issue.

Regulatory Standard S-98 Compliance

13. Bruce Power applied for amendments to the Bruce A and Bruce B licences to include a new licence condition requiring compliance with Regulatory Standard S-98 (Revision 1) "Reliability Programs for Nuclear Power Plants" (NPPs). The proposed condition, condition 3.8, states that "the licensee shall establish and implement a reliability program in accordance with the requirements of regulatory document S-98." CNSC staff reported that it had collaborated with NPP licensees to develop an industry-wide approach to implementing S-98.

CNSC staff noted that the amendments proposed by Bruce Power were based on a standard licence condition for referencing the standard S-98 in PROLs, which CNSC staff plans to have incorporated in all PROLs. CNSC staff stated that it regarded Bruce Power's plans for compliance as acceptable. CNSC staff further noted that proposed condition 3.8 was reviewed and endorsed by the Probabilistic Safety Assessment and Reliability Division of the CNSC.

14. The Commission is satisfied that Bruce Power complies with the requirements for S-98 and approves the requested addition of condition 3.8 to the Bruce A and Bruce B PROLs.

Operating Policies and Principles (OP&P) at Bruce B

15. Bruce Power requested an amendment to the Bruce B PROL Appendix B, Section 3.1 to refer to Revision 10 of BP-OPP-00001 "Operating Policies and Principles – Bruce B". The purpose for this licence amendment is to reference the latest version of the OP&P, revised to correct typographical errors in Revision 9. CNSC staff reported that no changes were made to the content. The updating of Bruce B's OP&P was reviewed and approved by the Bruce Regulatory Program Division of the CNSC.
16. The Commission is satisfied that the amendment is an administrative change and has no effect on the content of the OP&P.

Canadian Environmental Assessment Act

17. Before making a licensing decision, the Commission must be satisfied that all applicable requirements of the *Canadian Environmental Assessment Act* (CEAA) have been fulfilled.
18. CNSC staff reported that a *Canadian Environmental Assessment Act*⁴ (CEAA) determination on the proposed amendments was performed by the Environmental Assessment and Protection Division of the CNSC. Since the proposed amendments are not for the purpose of enabling a project to proceed or enabling a changed operation, there is no trigger pursuant to subsection 5(1) of the CEAA. Therefore, there are no requirements for an environmental assessment pursuant to section 5(1) of the CEAA. The Commission is satisfied that the proposed amendments are not a trigger for an environmental assessment according to the CEAA.
19. The Commission accepts the CNSC staff's determination that an environmental assessment is not required pursuant to the CEAA prior to the Commission making a decision on the current application for amendment of the licence.

Conclusion

20. The Commission has considered the information and submission of the CNSC staff as presented in the material available for reference on the record.

⁴ S.C. 1992, c. 37.

21. The Commission is satisfied that appropriate measures have been taken to address the issues for each amendment. The Commission is satisfied that Bruce Power is qualified to carry out the activities that the amended licences will authorize and, in carrying out those activities, will make adequate provision for the protection of the environment, the health and safety of persons and the maintenance of national security and measures required to implement international obligations to which Canada has agreed.
22. The Commission therefore amends the Bruce A PROL 15.05/2009 and the Bruce B PROL 16.07/2009, issued to Bruce Power Inc.
23. The Commission includes in the amendments the conditions proposed by CNSC staff in CMD 06-H122 regarding requalification testing, S-98 compliance and revised Operating Policies and Principles.

Linda J. Keen
President,
Canadian Nuclear Safety Commission

Date of decision: July 14, 2006

Date of release of Reasons for Decision: September 6, 2006