

Record of Proceedings, Including Reasons for Decision

In the Matter of

Applicant Ontario Power Generation Inc.

Subject Application to Amend the Pickering Nuclear
Generating Station B Power Reactor Operating
Licence to Reflect Updates in Documentation

Hearing Date July 14, 2006

RECORD OF PROCEEDINGS

Applicant: Ontario Power Generation Inc.

Address/Location: 1675 Montgomery Park Rd., P05A2, Pickering, Ontario, L1V 2R5

Purpose: Application to amend the Pickering Nuclear Generating Station B Power Reactor Operating Licence to reflect updates in documentation

Application received: July 4, 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. J Keen, Chair

Secretary: M. Leblanc

Recording Secretary: M. Young

Licence: Amended
Date of Decision: July 14, 2006

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Introduction

1. Ontario Power Generation Inc. (OPG) has applied to the Canadian Nuclear Safety Commission (CNSC¹) in order to amend its Pickering Nuclear Generating Station B (NGS-B) Power Reactor Operating Licence (PROL) 08.09/2008. The following changes were requested:
 - approval of changes to the following role documents: Pickering NGS-B Site Radiation Protection Manager and Section Manager, Radiation Protection Programs;
 - amend the PROL to include a new licence condition requiring compliance with Regulatory Standard S-98 Revision 1 “Reliability Programs for Nuclear Power Plants”; and
 - modify Appendix B of the licence to reflect the current revision of the Pickering NGS-B Operating Policies and Principles Rev. 27, December 2005.

Issues

2. In considering the application, the Commission was required to decide:
 - a) if OPG is qualified to carry on the activity that the amended licence would authorize, pursuant to subsection 24(4) of the *Nuclear Safety and Control Act*² (NSCA);
 - b) if, in carrying on that activity, OPG 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.
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 written submissions from CNSC staff (CMD 06-H125) and OPG (CMD 06-H125.1).

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.

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 written submissions.

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 OPG is qualified to carry out the activity that the amended licence will authorize and in carrying out that activity, 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. Therefore,

the Commission, pursuant to section 24 of the Nuclear Safety and Control Act, amends three licence conditions in the Ontario Power Generation Inc. Pickering Nuclear Generating Station B licence PROL 08.09/2008.

7. The Commission includes in the amended licence the conditions proposed by CNSC staff in CMD 06-H125.

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.

Qualifications and Protection Measures

Proposed Revisions to Role Documents

9. OPG reported that the role documents for the Site Radiation Protection Manager and the Section Manager, Radiation Protection Programs were modified to reflect organizational realignment. These changes were described in the OPG 2005 Business Plan. OPG also reported that the change in reporting relationship was not significant and that the specific responsibilities of the Site Radiation Protection Manager and the Section Manager, Radiation

³ SOR/2000-211

Protection Programs (Responsible Health Physicist) were unchanged. CNSC staff reported that it had reviewed the proposed changes and agreed that the change in reporting relationships was not significant and that the specific responsibilities were unchanged.

10. CNSC staff note the required changes to the PROL role documents as indicated below:

Site Radiation Protection Manager	N-MAN-08131-10000 AECB-017 R03
Section Manager, Radiation Protection Programs	N-MAN-08131-10000 AECB-016 R03

11. The Commission is satisfied that the change in reporting relationships is not significant, that the specific responsibilities are unchanged, and that the Pickering NGS-B will continue to be safely operated. The Commission approves the amendment to the Pickering PROL concerning the role documents.

Regulatory Standard S-98 Compliance

12. CNSC staff reported that it developed S-98 to assure that a licensee develops and implements a reliability program that assures that the systems important to safety at the plant can and will meet their defined design and performance specifications at acceptable levels of reliability throughout the lifetime of the facility.
13. OPG reported that two OPG governing documents relevant to S-98 compliance had recently been issued. The program document “Risk and Reliability Program” N-PROG-RA-0016-R05 had been revised to include S-98 requirements, and a new standard, “Reliability Monitoring and Reporting of Systems Important to Safety” N-STD-RA-0033-R00, had been created.
14. CNSC staff reported that its review of the supporting documents indicated that OPG is in general compliance with S-98 Revision 1. CNSC staff stated that there were certain issues that required further analysis by OPG, as well as others that had already been identified by CNSC staff and communicated to the licensee. These issues will be addressed as part of the Regulatory Guide G-98 development process that will include consultations with licensees.
15. The Commission is satisfied that OPG complies with the requirements for S-98 and approves the requested addition of the licence condition to the Pickering NGS-B PROL.

Change to the Current Version of the Operating Policies and Principles (OP&Ps)

16. OPG reported that it had modified its OP&Ps in order to provide clearer instructions to the operation staff. This modification was approved by a person authorized by the Commission in November 2005, under the old licensing process. CNSC staff reported that it had reviewed the modification and agreed that it provided clearer instructions and that it would not negatively affect the Reactor Regulating System.

17. The Commission is satisfied that the proposed amendment is administrative in nature and will not have a negative affect on the operation of Pickering NGS-B.

Canadian Environmental Assessment Act

18. Before making a licensing decision, the Commission must be satisfied that all applicable requirements of the *Canadian Environmental Assessment Act* (CEAA) have been fulfilled.
19. CNSC staff reported that it had completed an Environmental Assessment (EA) determination. CNSC staff stated that there was no requirement for an EA pursuant to subsection 5(1) of *Canadian Environmental Assessment Act*⁴ (CEAA).
20. The Commission therefore 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

21. The Commission has considered the information and submission of the CNSC staff as presented in the material available for reference on the record.
22. The Commission is satisfied that OPG is qualified to carry out the activity that the amended licence will authorize and, in carrying out that activity, 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.
23. The Commission therefore amends three licence conditions in the Pickering Nuclear Generating Station B licence PROL 08.09/2008, pursuant to section 24 of the NSCA.
24. The Commission includes in the amended licence the conditions proposed by CNSC staff in CMD 06-H125.

Linda J. Keen
President,
Canadian Nuclear Safety Commission

Date of decision: July 14, 2006

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

⁴ S.C. 1992, c. 37.