

Record of Proceedings, Including Reasons for Decision

In the Matter of

Applicant Ontario Power Generation Inc.

Subject Application to Amend the Darlington Nuclear
Generating Station Power Reactor Operating
Licence Regarding Recertification of Personnel

Hearing
Date October 26, 2007

RECORD OF PROCEEDINGS

Applicant: Ontario Power Generation Inc.

Address/Location: P.O. Box 4000, Bowmanville, ON L1C 3Z8

Purpose: Application to amend the Darlington Nuclear Generating Station Power Reactor Operating Licence regarding recertification of personnel

Application received: September 18, 2007

Date of hearing: October 26, 2007

Location: Canadian Nuclear Safety Commission (CNSC) Public Hearing Room, 280 Slater St., 14th. Floor, Ottawa, Ontario

Members present: L.J. Keen, Chair

Secretary: K. McGee

Recording Secretary: M. Young

Licence: Amended
Date of release of Decision: October 31, 2007

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Introduction

1. Ontario Power Generation Inc. (OPG) has applied to the Canadian Nuclear Safety Commission¹ (CNSC) for an amendment to its Power Reactor Operating Licence for its Darlington Nuclear Generating Station (NGS) in Clarington, Ontario. The current licence is PROL 13.15/2008.
2. The purpose of this request is to extend from June 30, 2007 to February 29, 2008 the application of the transitional provisions of Paragraph 2.2 of Appendix F of the Darlington PROL, as detailed in Appendix G of the PROL. OPG requested the extension to allow the continued use of transitional personnel recertification criteria.

Issue

3. In considering the application, the Commission was required to decide, pursuant to subsection 24(4) of the *Nuclear Safety and Control Act*²:
 - a) if OPG is qualified to carry on the activity that the amended licence would authorize; and
 - 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.

Hearing

4. The Commission, in making its decision, considered information presented for a hearing held on October 26, 2007 in Ottawa, Ontario. The hearing was conducted in accordance with the *Canadian Nuclear Safety Commission Rules of Procedure*³. During the hearing, the Commission considered written submissions from CNSC staff (CMD 07-H151) and OPG (CMD 07-H151.1).

¹ 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.

³ S.O.R./2000-211.

Decision

5. Based on its consideration of the matter, as described in more detail in the following sections of this *Record of Proceedings*, the Commission concludes that OPG is qualified to carry on the activity that the amended licence will authorize. The Commission is also satisfied that OPG, in carrying on 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 the Power Reactor Operating Licence PROL 13.15/2008 issued to Ontario Power Generation Inc. for its Darlington Nuclear Generating Station. The amended licence, PROL 13.16/2008, remains valid until February 29, 2008.

6. The Commission includes in the licence the conditions as recommended by CNSC staff in CMD 07-H151.

Issues and Commission Findings

7. In making its licensing decision, the Commission considered a number of issues relating to OPG's qualification to carry out the proposed activities and the adequacy of the proposed measures for protecting the environment, the health and safety of persons, national security and international obligations to which Canada has agreed.

Qualifications and Protection Measures

8. OPG stated that a Darlington NGS control room shift supervisor failed a requalification test, prior to June 30, 2007. OPG stated that the reason for requesting to extend the amended requirements in Appendix G of the operating licence is to allow the current requirements to be applied to requalification tests written post-June 30, 2007. OPG stated that, in its opinion, the extension will have no impact on health and safety.
9. CNSC staff stated that the requested amendment will allow the control room shift supervisor to successfully complete another written requalification test that meets the same requirements, before returning to the duties of the position.

10. CNSC staff stated that it reviewed OPG's request and determined that it does not pose any unreasonable risk to the health and safety of persons, protection of the environment, maintenance of national security and measures required to implement international obligations to which Canada has agreed.
11. The Commission considers this particular request is an exceptional case related to the transition in examination qualification procedures. The Commission accepts the view expressed by CNSC staff and OPG that there is no deterioration in the qualification requirements by allowing the extension as requested. Therefore, the Commission approves the request to allow the continued use of personnel recertification criteria until February 29, 2008.

Application of the *Canadian Environmental Assessment Act*

12. Before making a licensing decision, the Commission must be satisfied that all applicable requirements of the *Canadian Environmental Assessment Act*⁴ (CEAA) have been fulfilled.
13. 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 the CEAA.
14. Therefore, the Commission is satisfied that all applicable requirements of the CEAA have been fulfilled.

Conclusion

15. The Commission has considered the information and submissions of OPG and CNSC staff as presented in the material available for reference on the record.
16. The Commission is of the opinion that the applicant meets the requirements of subsection 24(4) of the *Nuclear Safety and Control Act*. That is, the Commission is of the opinion that OPG is qualified to carry on the activity that the amended licence will authorize and that it 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.
17. The Commission therefore amends, pursuant to section 24 of the *Nuclear Safety and Control Act*, the Power Reactor Operating Licence 13.15/2008 issued to OPG for its Darlington NGS, located in Clarington, Ontario. The amended licence 13.16/2008 remains valid until February 29, 2008.

⁴ S.C. 1992, c. 37.

18. The Commission includes in the licence the recommendations made by CNSC staff in CMD 07-H151.
19. The Commission notes that its decision in this particular instance does not restrict the Commission's decisions in any future applications of this nature.

Linda J. Keen,
President
Canadian Nuclear Safety Commission

Date of release of Decision: October 31, 2007