

Record of Proceedings, Including Reasons for Decision

In the Matter of

Applicant Bruce Power Inc.

Subject Application to Amend the Power Reactor
Operating Licences for the Bruce A and Bruce B
Nuclear Generating Stations to Reflect the
Removal of Organizational Documents and the
Addition of Three New Licence Conditions

Hearing
Date January 15, 2008

RECORD OF PROCEEDINGS

Applicant: Bruce Power Inc.

Address/Location: P.O. Box 1540, B10, 4th floor, Tiverton, Ontario N0G 2T0

Purpose: Application to amend the Power Reactor Operating Licences for the Bruce A and Bruce B Nuclear Generating Stations to reflect the removal of organizational documents and the addition of three new licence conditions

Application received: August 10, 2007

Date of hearing: January 15, 2008

Location: Canadian Nuclear Safety Commission (CNSC), 280 Slater St., Ottawa, Ontario

Members present: L.J. Keen, Chair

Secretary: K. McGee

Recording Secretary: M. Young

Licence: Amended
Date of Release of Decision: January 15, 2008

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Introduction

1. Bruce Power Inc. (Bruce Power) has applied to the Canadian Nuclear Safety Commission¹ (CNSC) for an amendment to its Power Reactor Operating Licences (PROLs) for its Bruce A and Bruce B Nuclear Generating Stations (NGSs), located in Tiverton, Ontario. The current licences are PROL 15.07/2009 for the Bruce A NGS and 16.09/2009 for the Bruce B NGS.
2. Bruce Power proposed to remove certain organizational documents from Appendix B of the PROLs. The current list in Appendix B is a mixture of documents related to positions certified by the CNSC and management positions for which the CNSC does not have specific requirements. Bruce Power has applied to remove the following management positions and their related role documents:
 - Chief Nuclear Officer and Executive Vice-President – Production Group;
 - Vice-President – Bruce A Operations Division;
 - Vice-President – Bruce B Operations Division;
 - Department Manager – Regulatory Affairs & Environment;
 - Department Manager – Audit, Inspection & Investigation;
 - Department Manager – Safety; and
 - Section Manager, Radiation Protection Programs.
3. In addition to Bruce Power's request, CNSC staff recommended that three new licence conditions be added to the PROLs in order to maintain an appropriate level of regulatory oversight of the higher level management positions.

Issues

4. In considering the application, the Commission was required to decide, pursuant to subsection 24(4) of the *Nuclear Safety and Control Act*² (NSCA):
 - a) if Bruce Power is qualified to carry on the activity that the amended licences would authorize; and
 - b) if, in carrying on that activity, 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.

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.

Hearing

5. The Commission, in making its decision, considered information presented for a hearing held on January 15, 2008 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-H150) and Bruce Power (CMD 07-H150.1 and CMD 07-H150.1A).

Decision

6. Based on its consideration of the matter, the Commission concludes that Bruce Power is qualified to carry on the activity that the amended licences will authorize. The Commission is of the opinion that that Bruce Power, 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 PROL 15.07/2009, issued to Bruce Power Inc. for its Bruce A NGS, and PROL 16.09/2009, issued to Bruce Power Inc. for its Bruce B NGS, located in Tiverton, Ontario. The amended licences, PROL 15.08/2009 and PROL 16.10/2009, remain valid until March 31, 2009.

7. The Commission includes in the licence the conditions as recommended by CNSC staff in CMD 07-H150.

Issues and Commission Findings

8. In making its licensing decision, the Commission considered a number of issues relating to Bruce Power'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

9. CNSC staff stated that it reviewed Bruce Power'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.

³ S.O.R./2000-211.

10. CNSC staff stated that, due to the overhead involved in administering the role documents in the current licences, it supports their removal, provided that it is able to perform adequate oversight on Bruce Power's organization, which would be accomplished through the three proposed licence conditions. CNSC staff stated that the removal of the specified role documents would simplify the administration of the licence.
11. CNSC staff stated that the proposed licence conditions would require that Bruce Power notify the Commission prior to the implementation of any changes to the organization, and compile and report all organizational changes carried out during each year. CNSC staff stated that the benefit of the proposed licence conditions is that they would provide the CNSC with reasonable assurance that any changes that may occur in the organization would remain consistent with the basis on which the facility was licensed. CNSC staff explained that this would ensure that the licensing basis remains valid and that the changes are consistent with the continued safe operation of the facility.

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. The Commission determined that there was no requirement for an Environmental Assessment pursuant to subsection 5(1) of the CEAA. 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 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 Bruce Power is qualified to carry on the activity that the amended licences 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.

⁴ S.C. 1992, c. 37.

17. The Commission therefore amends, pursuant to section 24 of the *Nuclear Safety and Control Act*, PROL 15.07/2009, issued to Bruce Power for its Bruce A NGS, and PROL 16.09/2009, issued to Bruce Power for its Bruce B NGS, located in Tiverton, Ontario. The amended licences, PROL 15.08/2009 and PROL 16.10/2009, remain valid until March 31, 2009, unless suspended, amended, revoked or replaced.
18. The Commission includes in the licence the recommendations as recommended by CNSC staff in CMD 07-H150.

Linda J. Keen,
President
Canadian Nuclear Safety Commission

Date of Release of Decision: January 15, 2008