

Record of Proceedings, Including Reasons for Decision

In the Matter of

Applicant Bruce Power Inc.

Subject Application to Amend Bruce Nuclear Generating
Stations A and B Power Reactor Operating
Licences

Hearing
Date March 28, 2008

RECORD OF PROCEEDINGS

Applicant: Bruce Power Inc.

Address/Location: P.O. Box 1540, B10, 4th Floor W., Tiverton, ON N0G 2T0

Purpose: Application to Amend Bruce Nuclear Generating Stations A and B
Power Reactor Operating Licences

Application received: February 20, 2008

Date of hearing: March 28, 2008

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

Members present: Michael Binder, Chair

Secretary: K. McGee
Recording Secretary: P. Reinhardt

Licence: amended
Date of Release of Decision: April 7, 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 the Bruce Power Nuclear Generating Stations A (Bruce NGS A) and B (NGS Bruce B) Power Reactor Operating Licences (PROL). Both stations are located in the municipality of Kincardine, Ontario. The current licences are PROL 15.10/2009 for Bruce A and PROL 16.11/2009 for Bruce B.
2. Bruce Power is seeking CNSC's approval to amend Appendices F and G of Bruce Power PROLs to continue using the current requirement document entitled: "Requirements for the Requalification Testing of Certified Shift Personnel at Canadian Nuclear Plants" dated June 26, 2003 until a revised document is issued.
3. The submission specifically requests to continue using the June 26, 2003 document. Written Requalification tests have been developed and are ready for conduct for Authorized Nuclear Operators, Control Room Shift Supervisors and Shift Managers. A revision of the CNSC document: "Requirements for the Requalification Testing of Certified Shift Personnel at Canadian Nuclear Plants", dated June 26, 2003 is in progress at CNSC to address utility issues encountered during implementation. As it is not anticipated that the revised document be issued on time and Bruce Power PROLs amended according to it on time for Bruce Power's scheduled testing, Bruce power seeks CNSC's approval to use June 26, 2003 in Appendices F and G of the PROLs for Requalification testing to proceed.
4. For Bruce A PROL 15.10/2009, Bruce Power requests that the reference date in regards of the tests in Appendices F and G be changed from "September 30, 2007" to "December 31, 2009". For Bruce B PROL 16.11/2009, Bruce Power requests that the reference date in regards of the tests in Appendices F and G be changed from "December 31, 2006" to "December 31, 2009".

Issue

5. 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 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

6. Pursuant to section 22 of the NSCA, the President of the Commission established a Panel of the Commission to review the application. 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.
7. The Commission, in making its decision, considered information presented for a hearing held on March 28, 2008 in Ottawa, Ontario. During the hearing, the Commission considered written submissions from CNSC staff (CMD 08-H107) and, Bruce Power Inc. (CMD 08-H107.1).

Decision

8. 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 Bruce Power Inc. is qualified to carry on the activity that the amended licences will authorize. The Commission is also satisfied that Bruce Power Inc., 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 Bruce Power A Operating Licence PROL 15.10/2009 and Bruce Power B Operating Licence 16.11/2009 issued to Bruce Power Inc. for its Nuclear Generating Stations Bruce A and Bruce B. The amended licences, PROL 15.11/2009 and PROL 16.12/2009, remain valid until March 31, 2009, unless suspended, amended, revoked or replaced.

9. The Commission includes in the amended licence the revisions as recommended by CNSC staff in CMD 08-H107.

Issues and Commission Findings

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

11. In requesting to continue using the June 26, 2003 document as a reference for the Requalification tests for Authorized Nuclear Operators, Control Room Shift Supervisors and Shift Managers, Bruce Power can proceed in a timely fashion with its scheduled testing. Bruce Power has developed new Requalification tests for its employees in accordance with the Regulatory Document RD-204, but is waiting for CNSC staff revision that should address the utility issues encountered during their implementation. It is not anticipated that the revised document will be issued in time and that the Bruce Power A and B PROLs amended according to that document before Bruce Power should proceed with its scheduled testing. An amendment to permit the use of the June 26, 2003 document would avoid delaying the testing.
12. After having revised Bruce Power's request, CNSC staff recommends that the Commission approves that Bruce Power continue using the current CNSC document entitled: "Requirements for the Requalification Testing of Certified Shift Personnel at Canadian Nuclear Plants", dated June 26, 2003, until a revised document be issued and incorporated in the PROLs.

Application of the *Canadian Environmental Assessment Act*

13. Before making a licensing decision, the Commission must be satisfied that all applicable requirements of the *Canadian Environmental Assessment Act*³ (CEAA) have been fulfilled.
14. CNSC staff reported that it had completed an Environmental Assessment (EA) determination. Since the proposed amendments are not for the purpose of enabling a project, CNSC staff stated that there was no requirement for an EA pursuant to subsection 5(1) of the CEAA.
15. The Commission is satisfied that all applicable requirements of the CEAA have been fulfilled.

Conclusion

16. The Commission has considered the information and submissions of Bruce Power and CNSC staff as presented in the material available for reference on the record.

³ S.C. 1992, c. 37.

17. The Commission is satisfied 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 Inc. 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.
18. The Commission, pursuant to section 24 of the *Nuclear Safety and Control Act*, amends Bruce Power A Operating Licence PROL 15.10/2009 and Bruce Power B Operating Licence PROL 16.11/2009 issued to Bruce Power Inc. for its Nuclear Generating Stations Bruce A and Bruce B. The amended licences, PROL 15.11/2009 and PROL 16.12/2009, remain valid until March 31, 2009, unless suspended, amended, revoked or replaced.
19. The Commission includes in the licence the recommendations made by CNSC staff in CMD 08-H107.

Michael Binder,
President
Canadian Nuclear Safety Commission

Date of release of Decision: April 7, 2008