

Record of Proceedings, Including Reasons for Decision

In the Matter of

Applicant Ontario Power Generation Inc.

Subject Application to Amend the Darlington NGS PROL
to Reflect a Revision of the Chief Nuclear Officer
Expectations Document

Hearing
Date April 11, 2008

RECORD OF PROCEEDINGS

Applicant: Ontario Power Generation Inc.

Address/Location: 889 Brock Road, P82 6A-1, Pickering, ON, L1W 3J2

Purpose: Application to amend the Darlington NGS PROL to reflect a revision of the Chief Nuclear Officer Expectations document

Application received: March 25, 2008

Date of hearing: April 11, 2008

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

Members present: M. Binder, Chair

Secretary: K. McGee

Recording Secretary: M. Young

Licence: Amended
Date of Release of Decision: April 18, 2008

Table of Contents

Introduction	1
Decision	2
Issues and Commission Findings	2
<i>Qualifications and Protection Measures</i>	2
Application of the <i>Canadian Environmental Assessment Act</i>	3
Conclusion	3

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 (PROL) for its Darlington nuclear generating station (NGS) located in the Municipality of Clarington, Ontario. The current licence is PROL 13.00/2013.
2. OPG requested the amendment to the Darlington NGS PROL 13.00/2013, Appendix B - Licence Condition 1.2, to replace Revision 10 of the referenced OPG document Chief Nuclear Officer Expectations (N-CHAR-AS-0002) with Revision 11.
3. The Chief Nuclear Expectations document establishes OPG's overall Quality Program that governs the operation of its facilities. OPG proposed to place accountabilities for Inspection and Maintenance Services, as well as Commercial Services, directly under the control of the Chief Nuclear Officer (CNO), which will change the CNO accountabilities listed in Appendix A of the Chief Nuclear Officer Expectations document.

Issue

4. 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

5. The Commission, in making its decision, considered information presented for a hearing held on April 11, 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 08-H112) and OPG (CMD 08-H112.1).

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.

³ S.O.R./2000-211.

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 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 PROL 13.00/2013 issued to Ontario Power Generation Inc. for its Darlington nuclear generating station. The amended licence, 13.01/2013, remains valid until February 28, 2013.

7. The Commission includes in the licence the conditions as recommended by CNSC staff in CMD 08-H112.

Issues and Commission Findings

8. 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

9. In its submission, CNSC staff stated that Revision 10 of the Chief Nuclear Officer Expectations document, currently referenced in PROL 13.00/2013, meets requirements. CNSC staff further stated that it reviewed OPG's request to include in Revision 11 of the Chief Nuclear Officer Expectations document the accountabilities for Inspection and Maintenance Services, as well as Commercial Services. CNSC staff stated that the proposed additions meet requirements of the CAN/CSA N286.0-92 standard, and the overall proposed Quality Assurance program, as described by Revision 11, would continue to comply with requirements.

Application of the *Canadian Environmental Assessment Act*

10. 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.
11. 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, as there is no “project”, within the meaning of the CEAA, related to this amendment.
12. Therefore, the Commission is satisfied that all applicable requirements of the CEAA have been fulfilled.

Conclusion

13. The Commission has considered the information and submissions of CNSC staff and OPG as presented in the material available for reference on the record.
14. 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 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.
15. The Commission therefore amends, pursuant to section 24 of the *Nuclear Safety and Control Act*, PROL 13.00/2013 issued to OPG for its Darlington NGS, located in the Municipality of Clarington, Ontario. The amended licence PROL 13.01/2013 remains valid until February 28, 2013.
16. The Commission includes in the licence the recommendations made by CNSC staff in CMD 08-H112.

Michael Binder,
President
Canadian Nuclear Safety Commission

Date of release of Decision: April 18, 2008

⁴ S.C. 1992, c. 37.