

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 Updates
in Documentation

Hearing
Date July 25, 2008

RECORD OF PROCEEDINGS

Applicant: Bruce Power Inc.

Address/Location: P.O. Box 1540, B10, 4th Floor W., 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 updates in documentation

Application received: November 16, 2006 and September 25, 2007

Date of hearing: July 25, 2008

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

Members present: M. Binder, Chair

Secretary: K. McGee
Recording Secretary: M. Young

Licence: Amended
Date of Release of Decision: July 30, 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 the municipality of Kincardine, Ontario. The current licences are PROL 15.12/2009 for the Bruce A NGS and PROL 16.13/2009 for the Bruce B NGS.
2. Bruce Power requested an amendment related to revisions of the following documents:
 - Bruce Power Nuclear Emergency Plan, BP-PLAN-00001; and
 - Bruce A and Bruce B Security Reports.

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 Bruce Power is qualified to carry on the activity that the amended licence 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.

Hearing

4. Pursuant to section 22 of the NSCA, the President of the Commission established a panel of the Commission to hear this matter.
5. The Commission, in making its decision, considered information presented for a hearing held on July 25, 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-H121) and Bruce Power (CMD 08-H121.1).
6. Prior to the hearing, CNSC staff withdrew its request to remove the references to the Bruce Power Management System Manual from Appendix B of both the Bruce A and Bruce B PROLs. CNSC staff's other recommendations remain unchanged.

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

7. 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 is qualified to carry on the activity that the amended licence will authorize. The Commission is of the opinion 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 the Power Reactor Operating Licence PROL 15.12/2009 issued to Bruce Power Inc. for its Bruce A Nuclear Generating Station. The amended licence, 15.13/2009, remains valid until March 31, 2009. The Commission also amends PROL 16.13/2009 issued to Bruce Power Inc. for its Bruce B Nuclear Generating Station. The amended licence, 16.14/2009 remains valid until March 31, 2009.

8. The Commission includes in the licence the conditions as recommended by CNSC staff in CMD 08-H121, taking into consideration the withdrawn request concerning the Bruce Power Management System Manual.

Issues and Commission Findings

9. 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

Revision to Bruce Power Nuclear Emergency Plan, BP-PLAN-00001

10. CNSC staff stated that Bruce Power incorporated the comments made by CNSC staff regarding the revision to the Bruce Power Nuclear Emergency Plan, BP-PLAN-00001. CNSC staff explained the six changes that were made, noting that most of them were editorial in nature. CNSC staff confirmed that the six changes were adequately incorporated into the document.

Revision to Bruce A and Bruce B Security Reports

11. CNSC staff stated that Bruce Power submitted revised Security Reports for the Bruce A and Bruce B NGSs, which are to be referenced in the PROLs. CNSC staff stated that it reviewed the revised Security Reports and found them to be acceptable.

Application of the *Canadian Environmental Assessment Act*

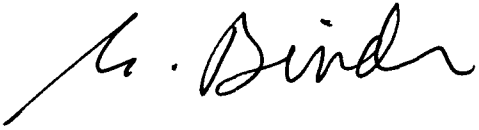
12. Before making a licensing decision, the Commission must be satisfied that all applicable requirements of the *Canadian Environmental Assessment Act*⁴ (CEAA) have been fulfilled.
13. CNSC staff reported that it had completed an Environmental Assessment (EA) determination. CNSC staff stated that there was no requirement for an EA pursuant to subsection 5(1) of the CEAA as the proposed amendment does not constitute a “project” as defined in section 2 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 Bruce Power and CNSC staff as presented in the material available for reference on the record.
16. 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 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 PROL 15.12/2009 issued to Bruce Power Inc. for its Bruce A Nuclear Generating Station. The Commission also amends PROL 16.13/2009 issued to Bruce Power Inc. for its Bruce B Nuclear Generating Station. The amended licences, PROL 15.13/2009 and PROL 16.14/2009 remain valid until March 31, 2009.

⁴ S.C. 1992, c. 37.

18. The Commission includes in the licence the recommendations made by CNSC staff in CMD 08-H121, taking into consideration the withdrawn request concerning the Bruce Power Management System Manual.

A handwritten signature in black ink, appearing to read "M. Binder". The signature is written in a cursive style with a long, sweeping underline.

Michael Binder,
President
Canadian Nuclear Safety Commission

Date of release of Reasons for Decision: July 30, 2008