



Canadian Nuclear
Safety Commission

Commission canadienne
de sûreté nucléaire

Record of Proceedings, Including Reasons for Decision

In the Matter of

Applicant Ontario Power Generation Inc.

Subject Application to Amend Nuclear Power Reactor
Operating Licences for Nuclear Generating
Stations Pickering A, Pickering B and Darlington

Hearing
Date October 1, 2009

RECORD OF PROCEEDINGS

Applicant: Ontario Power Generation Inc.

Address/Location: 700 University Avenue, Toronto, Ontario, M5G 1X6

Purpose: Application to Amend Nuclear Power reactor Operating Licences for Nuclear Generating Stations Pickering A, Pickering B and Darlington

Application received: July 28 and 30, 2009

Date of hearing: October 1, 2009

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

Members present: M. Binder, Chair

Secretary: K. McGee
Recording Secretary: S. Dimitrijevic

Licences: Amended

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Introduction

1. Ontario Power Generation Inc. (OPG) has applied to the Canadian Nuclear Safety Commission¹ (CNSC) for an amendment to the Nuclear Power Reactor Operating Licences (PROLs) for its Nuclear Generating Stations (NGSs) Pickering A (PROL 04.12/2010) and Pickering B (PROL 08.04/2013) located in Pickering, Ontario, and Darlington (PROL 13.06/2013) located in Township of Darlington, Ontario.
2. OPG is requesting amendments to various clauses and appendices of these operating licences in order to implement the document *Requirements for the Requalification Testing of Certified Shift Personnel at Nuclear Power Plants – Revision 2*. Revision 1 of this document is listed in Appendix C of the current PROLs.
3. With requested amendments, OPG suggested a phase in period until March 30, 2010 that would allow requalifying testing of certified staff at NGSs to be conducted using either Revision 1 or 2 of the requalification 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 (NSCA):
 - a) if OPG is qualified to carry on the activities that the amended licences would authorize; and
 - b) if in carrying on these activities, 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. Pursuant to section 22 of the NSCA, the President of the Commission established a Panel of the Commission (hereafter referred to as the Commission) to hear this matter. 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.

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.

6. The Commission, in making its decision, considered information presented for a hearing held on October 1, 2009 in Ottawa, Ontario. During the hearing, the Commission considered written submissions from CNSC staff (CMD 09-H121) and OPG (CMD 09-H121.1).

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 OPG has met the conditions of subsection 24(4) of the NSCA. Therefore,

the Commission, pursuant to section 24 of the *Nuclear Safety and Control Act*, amends the following Nuclear Power Reactor Operating Licences:

- PROL 04.12/2010 issued to Ontario Power Generation Inc. for its Pickering A Nuclear Generating Station, located in Pickering, Ontario. The amended licence, PROL 04.13/2010, remains valid until June 30, 2010;
- PROL 08.04/2013 issued to Ontario Power Generation Inc. for its Pickering B Nuclear Generating Station, located in Pickering, Ontario. The amended licence, PROL 08.05/2013, remains valid until June 30, 2013; and
- PROL 13.06/2013 issued to Ontario Power Generation Inc. for its Darlington Nuclear Generating Station, located in Township of Darlington, Ontario. The amended licence, PROL 13.07/2013, remains valid until February 28, 2013.

8. The Commission includes in the licences the conditions as recommended by CNSC staff in CMD 09-H121.

Issues and Commission Findings

9. CNSC staff reported that it had received two submissions from OPG requesting a licence amendment to implement an updated version of the CNSC document entitled *Requirements for the Requalification Testing of Certified Shift Personnel at Canadian Nuclear Power Plants, Revision 1* – dated June 26, 2003. This document is currently referenced in their Pickering NGS-A, Pickering NGS-B and Darlington PROLs.

10. Revision 2 of the CNSC document, entitled *Requirements for the Requalification Testing of Certified Shift Personnel at Nuclear Power Plants*, dated May 1, 2009 updates the current requirements, taking into account the observations and analyses made by CNSC staff since the implementation of Revision 1 of the document in 2003, as well as the experience gained by NPP licensees.
11. CNSC staff stated that it had reviewed the request and confirmed the following:
 - The requested changes do not involve the introduction or use of new or unproven technology;
 - The changes will not result in an expansion of the existing facility footprint:
and
 - The changes would not negatively affect the function of safety-related systems.
12. CNSC staff noted that the amendments to the PROLs would allow OPG to conduct requalification testing of certified shift personnel using the testing requirements from either Revision 1 or 2 as a transitional period up to the effective date of the full implementation of Revision 2 which is March 30, 2010. Given the transitional period, CNSC staff had not identified any issue that would be an impediment to incorporate this revised updated version into the licences.
13. In the submitted CMD 09-H121, CNSC staff enlisted all proposed changes for each of the PROLs and attached drafts of the amended PROLs.

Application of the *Canadian Environmental Assessment Act*

14. 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.
15. CNSC staff reported that it had completed an Environmental Assessment (EA) determination. CNSC staff stated that the proposed amendments are administrative in nature and do not amount to a 'project' under the CEAA; therefore, there was no requirement for an EA pursuant to subsection 5(1) of the CEAA.
16. The Commission is satisfied that all applicable requirements of the CEAA have been fulfilled.

³ S.C. 1992, c. 37.

Conclusion

17. The Commission considered submissions received from OPG and CNSC staff, as presented in the material on the record, and concluded that that the activities under the amended licences would not pose unreasonable risks 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.



Michael Binder
President,
Canadian Nuclear Safety Commission

OCT 01 2009

Date