



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 the Power Reactor
Operating Licence for the Darlington Nuclear
Generating Station to Reflect Updates in
Documentation

Hearing
Date November 27, 2009

RECORD OF PROCEEDINGS

Applicant: Ontario Power Generation Inc.

Address/Location: 1675 Montgomery Park Road, P.O. Box 160,
Pickering, Ontario L1V 2R5

Purpose: Application to amend the power reactor operating licence for the
Darlington Nuclear Generating Station to reflect updates in
documentation

Application received: July 28, 2009 and September 2, 2009

Date of hearing: November 27, 2009

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

Table of Contents

Introduction	1
Issue	1
Hearing.....	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

Introduction

1. Ontario Power Generation Inc. (OPG) has applied to the Canadian Nuclear Safety Commission¹ (CNSC) for an amendment to the power reactor operating licence (PROL) for its Darlington Nuclear Generating Station (NGS) located in the Municipality of Clarington, Ontario. The current licence, PROL 13.07/2013, expires on February 28, 2013.
2. OPG proposed the following two changes to the Darlington licence:
 - reference the new revision to the Operating Policies and Principles (OP&Ps) (Revision 24) in Appendix B; and
 - update the licence conditions and appendices related to pressure boundaries in order to accommodate OPG's transition to the 2008 Edition and Update No. 1 of CSA Standard N285.0 "*General Requirements for Pressure Retaining Systems and Components in CANDU Nuclear Power Plants*" and to accommodate the implementation of a formal agreement with an Authorized Inspection Agency (AIA).

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 (NSCA):
 - a) if OPG is qualified to carry on the activity that the amended licences 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

4. Pursuant to section 22 of the NSCA, the President of the Commission established a Panel of the Commission to review the application. The Commission, in making its decision, considered information presented for a hearing held on November 27, 2009 in Ottawa, Ontario. During the hearing, the Commission considered written submissions from CNSC staff (CMD 09-H127) and OPG (CMD 09-H127.1).

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 Statutes of Canada (S.C.) 1997, chapter (c.) 9.

Decision

5. 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 power reactor operating licence PROL 13.07/2013 issued to Ontario Power Generation Inc. for its Darlington Nuclear Generating Station located in the Municipality of Clarington, Ontario. The amended licence, PROL 13.08/2013, remains valid until February 28, 2013.

6. The Commission includes in the licence the conditions as recommended by CNSC staff in CMD 09-H127.

Issues and Commission Findings

Qualifications and Protection Measures

7. OPG's first request was to amend the Darlington licence to replace Revision 23 of the document entitled "*Darlington Nuclear Operating Policies and Principles, NK38-OPP-03600*" (OP&P) listed in Appendix B of the PROL with Revision 24. CNSC staff stated that a previous Vacuum Building Outage (VBO) required a temporary deviation to the OP&P, which was Revision 23. CNSC staff further stated that upon completion of the VBO, OPG reverted to the permanent wording of Revision 22 but a new OP&P revision has to be issued to comply with OPG's controlled document process.
8. CNSC staff confirmed that this amendment is strictly administrative in nature and no additional assessment is required since Revision 24 is identical to Revision 22, which was previously approved by the Commission and had been in use since February 2008, prior to the VBO.
9. OPG's second request was to amend the Darlington licence to accommodate OPG's transition to the 2008 Edition and Update No.1 of Canadian Standards Association (CSA) N285.0 "*General Requirements for Pressure-Retaining Systems and Components in CANDU Nuclear Power Plants,*" and to implement a formal agreement with an Authorized Inspection Agency (AIA).
10. CNSC staff stated that it has reviewed and assessed the 2008 and 2009 revisions to CSA N285.0 and found the changes to the standard to be acceptable. CNSC staff stated that the proposed amendment will allow OPG to hire one or more AIAs in place of the existing Public Works Government Services Canada (PWGSC)/Technical Standards and Safety Authority (TSSA) inspection contract that ends on March 31, 2010. CNSC staff noted that this will ensure continuing third-party inspections of OPG's pressure-boundary repairs, replacements and modifications.

11. CNSC staff stated that CSA N285.0 specifies the AIA must be acceptable to the regulatory authority. CNSC staff noted that OPG is in the process of selecting an AIA acceptable to the CNSC and OPG will submit the formal agreement with the AIA before March 31, 2010. CNSC staff further stated that as part of this proposed change, Appendices F, I and J of the licence will contain new requirements for other procedures and processes, including registration of fire protection systems and the new provisions and interfaces to disposition code/standard non-compliances between the AIA, the licensee and the CNSC.
12. CNSC staff stated that OPG's proposed changes are largely administrative in nature and will have no negative impact on the health and safety of workers, the public or the environment. CNSC staff noted that the incorporation of updates to more recent standards and regulatory guides should, in those circumstances, improve safety. CNSC staff recommended that the Commission amend the licence to include the proposed changes.

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. 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.



Michael Binder
President,
Canadian Nuclear Safety Commission

NOV 27 2009

Date

³ S.C. 1992, c. 37.