



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

Hearing  
Date December 24, 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

Application received: August 5, 2009, and December 4, 2009

Date of hearing: December 24, 2009

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

Members present: M. Binder, Chair

Secretary: K. McGee  
Recording Secretary: P. Reinhardt

**Licence: Amended**

## Table of Contents

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

## **Introduction**

1. Ontario Power Generation Inc. (OPG) has applied to the Canadian Nuclear Safety Commission<sup>1</sup> (CNSC) for an amendment to Darlington Nuclear Generating Station (NGS) power reactor operating licence (PROL). Darlington NGS is located in the Municipality of Clarington, Ontario. The current licence, PROL 13.08/2013, expires on February 28, 2013.
2. OPG proposed the following two changes to the Darlington licence:
  - replacement of Revision 8 of the document entitled “Consolidated Nuclear Emergency Plan” with Revision 9 in Appendix B; and
  - correction to section 5.1 of Appendix F.

## Issue

3. In considering the application, the Commission was required to decide, pursuant to subsection 24(4) of the *Nuclear Safety and Control Act*<sup>2</sup> (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 December 24, 2009 in Ottawa, Ontario. During the hearing, the Commission considered written submissions from CNSC staff (CMD 09-H133) and OPG (CMD 09-H133.1).

---

<sup>1</sup> 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.

<sup>2</sup> 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 13.08/2013 issued to Ontario Power Generation Inc. for the Darlington Nuclear Generating Station located in the Municipality of Clarington, Ontario. The amended licence, PROL 13.09/2013, remains valid until February 28, 2013.

6. The Commission includes in the licence the conditions as recommended by CNSC staff in CMD 09-H133.

## Issues and Commission Findings

### Qualifications and Protection Measures

7. OPG's first request was to replace Revision 8 of the document entitled "Consolidated Nuclear Emergency Plan" (CNEP) with Revision 9 in Appendix B of Darlington PROL.
8. CNSC staff has reviewed the submitted document and concludes that Revision 9 of the CNEP is acceptable and meets CNSC expectations described in CNSC Regulatory Guide G-225<sup>3</sup> "Emergency Planning at Class I Facilities and Uranium Mines and Mills".
9. OPG requested secondly that a correction be made in the Appendix F of the Darlington NGS PROL entitled "Requirements for Licence Condition 5.1" under subsection 5.1 because Section 5.1 was mistyped when the last PROL amendments were presented and approved by the Commission on November 27, 2009. The proposed correction requested for the Darlington PROL is bolded below :
  - The licensee shall arrange for the Authorized Inspection Agency inspectors to have access to all areas of the **licensee's facilities and records, and to the facilities and records of the licensee's** pressure boundary contractors and material organizations, as necessary for the purposes of performing inspections and other activities required by the standards.
10. CNSC staff noted that the correction has been incorporated into the proposed the proposed DRAFT Darlington NGS PROL 13.09/2013, attached to this CMD.

---

<sup>3</sup> [http://www.nuclearsafety.gc.ca/pubs\\_catalogue/uploads/G225\\_e.pdf](http://www.nuclearsafety.gc.ca/pubs_catalogue/uploads/G225_e.pdf)

**Application of the *Canadian Environmental Assessment Act***

11. Before making a licensing decision, the Commission must be satisfied that all applicable requirements of the *Canadian Environmental Assessment Act*<sup>4</sup> (CEAA) have been fulfilled.
12. 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.
13. The Commission is satisfied that all applicable requirements of the CEAA have been fulfilled.

**Conclusion**

14. CNSC staff concluded that the licensee is authorized to carry out the activities and has made adequate provision for the health and safety of persons and the environment.
15. The Commission approves the proposed amendments and corrections to Darlington licence as outlined in CNSC staff CMD 09-H133.



Michael Binder  
President,  
Canadian Nuclear Safety Commission

DEC 24 2009

Date

---

<sup>4</sup> S.C. 1992, c. 37.