



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

Hearing
Date November 22, 2011

RECORD OF PROCEEDINGS

Applicant: Ontario Power Generation Inc.

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

Purpose: Application to amend the Darlington Nuclear Generating Station Power Reactor Operating Licence to Reflect Updates in Documentation

Application received: July 18, 2011, June 30, 2011, June 8, 2011, June 1, 2011, May 11, 2011 and December 23, 2010

Date of hearing: November 22, 2011

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

Members present: M. Binder, Chair

Secretary: M. Leblanc
Recording Secretary: D. Carrière

Licence: 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 Power Reactor Operating Licence for its Darlington Nuclear Generating Station (NGS) located in Clarington, Ontario. The current licence, PROL 13.15/2013, expires on February 28, 2013.
2. The changes requested by OPG are updates to the operating licence to reflect the most current revisions of the OPG documents entitled “Occupational Radiation Protection Action Levels for Power Reactor Operating Licences”, “Nuclear Management System” and “Darlington Safety Report, Parts 1 and 2”, as well as to incorporate CSA Standard N285.4-05 and Update No. 1 “Periodic Inspection of CANDU Nuclear Power Plant Components” in the licence.

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 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

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 22, 2011 in Ottawa, Ontario. During the hearing, the Commission considered written submissions from CNSC staff (CMD 11-H121) and OPG (CMD 11-H121.1).

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,

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.

the Commission, pursuant to section 24 of the *Nuclear Safety and Control Act*, amends the Power Reactor Operating Licence PROL 13.15/2013 issued to Ontario Power Generation Inc. for its Darlington Nuclear Generating Station located in Clarington, Ontario. The amended licence, PROL 13.16/2013, is valid until February 28, 2013.

Issues and Commission Findings

Qualifications and Protection Measures

6. OPG requested an update to Appendix B of the operating licence to reflect the most current revision, Revision 1, of the OPG document entitled “Occupational Radiation Protection Action Levels for Power Reactor Operating Licences”. CNSC staff stated that the document meets the regulatory requirements based on the inclusion of corrections made by OPG of corrections made by CNSC staff.
7. OPG requested another update to Appendix B of the operating licence to reflect the most current revision, Revision 15, of the OPG corporate document entitled “Nuclear Management System” to remove the now obsolete programs associated with the safe storage of Units 2 and 3 at Pickering NGS-A and refurbishment of the Pickering reactors. CNSC staff reported having reviewed the document, which applies to all of OPG’s NGSs, and found that it reflects the corporate decision by OPG not to refurbish more units at the Pickering NGSs. CNSC staff also found that this document meets the regulatory requirements and offers no increased risk with respect to safe operations.
8. OPG also requested an amendment to Licence Condition 5.2 (c) to reference CSA Standard N285.4-05, “Periodic Inspection of CANDU Nuclear Power Plant Components”, and Update #1. CNSC staff reported having reviewed the associated Periodic Inspection Program and stated that the initial request by OPG contained an exemption of dissimilar metal welds from the requirements of N285.4-05. CNSC staff explained that further analysis and issues have been resolved and that OPG had resubmitted their request without the exemption. CNSC staff reported that they are satisfied with OPG’s Periodic Inspection Program and found that it meets the regulatory requirements.
9. The final request made by OPG was to update Appendix A of the operating licence to incorporate the revised document “Darlington Safety Report, Parts 1 and 2”. CNSC staff reported having reviewed the Safety Report and found that it meets regulatory requirements. CNSC staff noted that no concerns have been raised which have an impact on the safe operation of the station and that some comments were made by CNSC staff for inclusion in the next revision of the Safety Report.

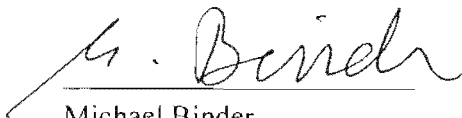
10. CNSC staff reported that the proposed changes to the operating licence are administrative in nature and that they will not adversely affect the safe operation of the Darlington NGS. CNSC staff also considers that the proposed revised documents are acceptable to reference in the operating licence.
11. CNSC staff has determined that, since the requested amendments are administrative, these changes will have no adverse impact on the Aboriginal rights or Treaty rights of Aboriginal groups. CNSC staff stated that Aboriginal consultation was not necessary in relation to the proposed licence amendments.

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*³ (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.

Conclusion

14. The Commission has considered the information and submissions of CNSC staff and OPG and is satisfied that the requested amendment is administrative in nature and will not adversely impact the safety of the Darlington NGS operations. The Commission is also satisfied that aboriginal consultation is not necessary in relation to the proposed amendments.
15. The Commission is satisfied that all applicable requirements of the CEAA have been fulfilled.



Michael Binder
President,
Canadian Nuclear Safety Commission

NOV 22 2011

Date

³ S.C. 1992, c. 37.