



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

Applications 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 Pickering Nuclear Generating Station (NGS) A located in Pickering, Ontario. The current licence, PROL 04.02/2013, expires on June 30, 2013.
2. The change requested by OPG is an update to the operating licence to incorporate the Pickering Instruction “Pickering Minimum Shift Complement”, which includes the results of a process to validate the Minimum Shift Complement for the Pickering A and B stations.

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 04.02/2013 issued to Ontario Power Generation Inc. for its Pickering Nuclear Generating Station A located in Pickering, Ontario. The amended licence, PROL 04.03/2013, is valid until June 30, 2013.

Issues and Commission Findings

Qualifications and Protection Measures

6. OPG requested an update to Appendix A of the operating licence to reflect the most current revision, Revision 5, of Pickering Instruction “Pickering Minimum Shift Complement”, which incorporates the results of a process to validate the Minimum Shift Complement for the Pickering A and B stations in accordance with CNSC Regulatory Guides G-278, *Human Factors Verification and Validation Plans*, and G-323, *Ensuring the Presence of Sufficient Qualified Staff at Class I Nuclear Facilities – Minimum Staff Complement*. CNSC staff reported having reviewed the document and found that it meets the regulatory requirements. CNSC staff noted that the submitted document includes a reference to the document “Duty Crew Minimum” which is to be referenced in the Pickering A Licence Condition Handbook.
7. CNSC staff reported that the proposed change to the operating licence is administrative in nature and that it will not adversely affect the safe operation of the Pickering NGS A. CNSC staff also considers that the proposed change to Appendix A of the operating licence is acceptable.
8. CNSC staff has determined that, since the requested amendment is administrative, the change 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 amendment.

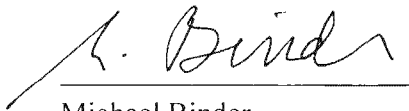
Application of the *Canadian Environmental Assessment Act*

9. 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.
10. 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.

³ S.C. 1992, c. 37.

Conclusion

11. 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 Pickering NGS A operations. The Commission is also satisfied that aboriginal consultation is not necessary in relation to the proposed amendment.
12. The Commission is also satisfied that all applicable requirements of the CEAA have been fulfilled.



Michael Binder
President,
Canadian Nuclear Safety Commission

NOV 22 2011

Date