



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** July 23, 2014

## **RECORD OF PROCEEDINGS**

Applicant: Ontario Power Generation

Address/Location: P.O. Box 4000, Bowmanville, Ontario, L1C 3Z8

Purpose: Application to Amend the Power Reactor Operating Licence for the Darlington Nuclear Generating Station

Application received: June 18, 2014

Date of hearing: July 23, 2014

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

Members present: M. Binder, Chair

Secretary: M. Leblanc  
Recording Secretary: D. Carrière

**Licence:** Amended

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## 1.0 INTRODUCTION

1. Ontario Power Generation Inc. (OPG) has applied to the Canadian Nuclear Safety Commission<sup>1</sup> (CNSC), under subsection 24(2) of the *Nuclear Safety and Control Act*<sup>2</sup> (NSCA), for an amendment to the Power Reactor Operating Licence (PROL) for its Darlington Nuclear Generating Station (NGS) located in the municipality of Clarington, on the north shore of Lake Ontario. The current licence, PROL 13.00/2014, expires on December 31, 2014.
2. OPG had earlier submitted an application for the renewal of the Darlington NGS PROL in December 2013, and submitted additional information to support its application in February 2014.
3. OPG requested a licence amendment to extend the expiry date of the current Darlington NGS PROL by twelve months to December 31, 2015 under the same terms and conditions as the current licence. OPG has requested this licence amendment to allow additional time to provide more comprehensive documentation, reflect new CNSC expectations and facilitate public engagement in the upcoming hearing process for a long-term licence, including refurbishment (CMD 14-H112.1, paragraphs a) to d)).
4. In this *Record of Proceedings*, the Commission also responds to 3 ruling requests relating to the Darlington NGS licence renewal application, made pursuant to subsection 20(3) of the *CNSC Rules of Procedure*<sup>3</sup> by several non-governmental organizations (NGOs) in a letter sent to the CNSC on June 18, 2014, the same date as the licensee's amendment application.

### Issue

5. In considering the application, the Commission was required to decide, pursuant to subsection 24(4) of the 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.

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<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.

<sup>3</sup> Statutory Orders and Regulations (SOR)/2000-211.

## Hearing

6. 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 by written material only for a hearing held on July 23, 2014 in Ottawa, Ontario. The Commission considered written submissions from OPG (CMD 14-H112.1) and CNSC staff (CMD 14-H112).
7. The Commission considered a request dated July 8, 2014 from six Non-Governmental Organizations requesting that the hearing not take place in closed session. The Commission considered that the information provided by OPG and CNSC staff was sufficient for it to make a decision without a public hearing. Submissions from OPG and CNSC staff have been available to the public, as stated in the published Notice of Hearing and the July 8, 2014 letter is also available upon request through the Secretariat.

## **2.0 DECISION**

8. 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 issued to Ontario Power Generation Inc. for its Darlington Nuclear Generating Station located in the municipality of Clarington, Ontario. The amended licence, PROL 13.00/2015, is valid until December 31, 2015, unless suspended, amended, revoked or replaced.

## **3.0 ISSUES AND COMMISSION FINDINGS**

9. OPG applied for an amendment to the expiry date of the current Darlington NGS PROL to provide (CMD 14-H112.1, paragraphs a) to d)):
  - sufficient time for OPG to prepare supplementary material in support of its request for a longer licence term and approval of the scope of work supporting extended future operations;
  - the opportunity to reflect any new CNSC expectations regarding periodic safety reviews, which supports the transition to longer term operating licences, in supplemental OPG submissions;
  - time to prepare material to meet new Commission expectations regarding Probabilistic Safety Assessment (PSA) related results; and
  - sufficient time for OPG to make additional information publicly available to facilitate public engagement in the licence renewal process and allow the public adequate time to prepare and participate.

10. CNSC staff stated that OPG's application to amend the expiry date of the PROL has no impact on the nuclear substances, land, areas, buildings, structures, components, equipment and systems at the Darlington NGS. CNSC also staff stated that none of the Darlington NGS units will reach 210,000 Effective Full Power Hours (EFPHs) during the proposed extended licence term.
11. CNSC staff stated that, based on OPG's past performance and ongoing CNSC oversight, OPG is meeting and will continue to meet the regulatory requirements outlined in the PROL to operate the Darlington NGS safely.
12. CNSC staff also stated that, with the current regulatory framework in place, there are no nuclear safety related issues that would be negatively affected by a twelve-month extension of the PROL.
13. CNSC staff reported that OPG would be required to submit supplemental information regarding the licence renewal application that was submitted in December 2013, as detailed above.

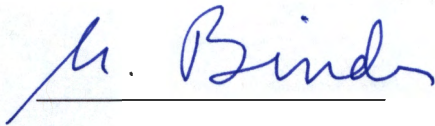
#### Requests for Ruling

14. In a letter sent to the CNSC on June 18, 2014, representatives from Durham Nuclear Awareness, Lake Ontario Waterkeeper, Canadian Environmental Law Association, New Clear Free Solutions, Greenpeace Canada, and International Institute of Concern for Public Health made requests for rulings pursuant to subsection 20(3) of the CNSC *Rules of Procedure*. This letter is available upon request through the Secretariat.
15. The Commission accepts the first request to conduct a two-part hearing regarding OPG's request for the renewal of its operating licence for the Darlington NGS. The hearing is expected to take place in Ottawa (Part 1) and in the community (Part 2) in the summer and fall 2015 respectively. The hearing will be webcast.
16. In the second request, the Commission is asked to permit members of the public to submit written questions to OPG and CNSC staff regarding their submissions on the licence application on or before the first part of the hearing. The Commission does not accept this request. The Commission notes that, should intervenors have questions for OPG or CNSC staff, they are invited to state them in their written submissions that will be considered for the second part of the hearing, which is mostly focused on considering information provided by stakeholders, as well as in the content of their oral presentations.
17. The third request is that the Commission will require that OPG and CNSC staff proactively release all documentation, including correspondence between the two organizations related to the licence application that is not security sensitive to the public. It is requested that this documentation be available at least 60 days before the deadline for making written submissions. The Commission will do everything in its power to ensure that relevant documentation is available within appropriate timelines. The Commission notes that a key consideration for extending the current licence period by 12 months is to

ensure that more comprehensive, timely information is available to all participants prior to the hearing.

#### 4.0 CONCLUSION

18. The Commission has considered the information and submissions from OPG and CNSC staff and is satisfied that the requested amendment will not adversely impact the safety of the Darlington NGS operations. Indeed, the Commission is of the view that the amendment will facilitate a renewal hearing with comprehensive information.
19. The Commission currently considers the Darlington NGS to be safe. The Commission also notes that there are in place provisions for strict monitoring of the facility and that OPG does report regularly to CNSC staff. The Commission also notes that CNSC staff will report to the Commission on a timely basis any significant event at the Darlington facility, and that CNSC staff will report on the status of the Darlington facility as part of the CNSC Staff Integrated Safety Assessment of Canadian Nuclear Power Plants for 2013 at the August 2014 public Commission Meeting.



Michael Binder  
President,  
Canadian Nuclear Safety Commission

JUL 25 2014

Date