



Canadian Nuclear  
Safety Commission

Commission canadienne  
de sûreté nucléaire

## Record of Decision

DEC 19-H109

In the Matter of

Applicant Ontario Power Generation Inc.

Subject One-time exemption from section 26.1 of  
RD-204, *Certification of Persons Working at  
Nuclear Power Plants*, for the Pickering Nuclear  
Generating Station

Date of  
Decision August 13, 2019

**RECORD OF DECISION – DEC 19-H109**

Applicant: Ontario Power Generation Inc.

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

Purpose: One-time exemption from section 26.1 of RD-204,  
*Certification of Persons Working at Nuclear Power  
Plants*, for the Pickering Nuclear Generating Station

Application received: May 03, 2019

Date of decision: August 13, 2019

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

Panel of Commission: R. Velshi, President

One-time exemption from section 26.1 of RD-204: **Granted**

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## 1.0 INTRODUCTION

1. Ontario Power Generation Inc. (OPG) submitted a request to the Canadian Nuclear Safety Commission (CNSC)<sup>1</sup> for a one-time exemption from section 26.1 of RD-204, *Certification of Persons Working at Nuclear Power Plants*<sup>2</sup> in respect of one identified Pickering Nuclear Generating Station (PNGS) employee, a CNSC-certified Authorized Nuclear Operator (ANO) (the candidate). The PNGS is located on the north shore of Lake Ontario in Pickering, Ontario. The current licence, PROL 48.00/2028, is valid until August 31, 2028. Due to the confidential nature of this employee's personal information, this decision shall not refer to specific details about the employee.
2. The candidate, who received CNSC certification as a PNGS ANO on September 20, 2018, has not completed the required practical experience time of one year as a reactor operator to enter into the Control Room Shift Supervisor (CRSS) training program, as stipulated in RD-204. Specifically, section 26.1 of RD-204 states that "*The person must have safely and competently performed the duties of a reactor operator at the NPP for a minimum of one year, immediately prior to beginning training as control room shift supervisor.*"
3. Further, section 9 of the *Class I Nuclear Facilities Regulations*<sup>3</sup> provides the conditions under which the Commission or a CNSC designated officer<sup>4</sup> may certify a person referred to in paragraph 44(1)(k) of the *Nuclear Safety and Control Act*<sup>5</sup> (NSCA) for a position referred to in a licence. Licence condition 2.4 of PROL 48.00/2028 requires OPG to "... implement and maintain certification programs in accordance with CNSC regulatory document RD-204, *Certification of Persons Working at Nuclear Power Plants*." This licence condition also specifies four positions that require certification, including the position of CRSS. As this is part of the Commission approved licensing basis, and OPG's request seeks to conduct an activity outside of this licensing basis, OPG has requested a one-time exemption from the application of section 26.1 of RD-204 to allow the candidate to progress through the last CRSS training program being offered at the PNGS. The one-time exemption is requested as PNGS is conducting its last CRSS training program prior to end of commercial operations in 2024.

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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> Canadian Nuclear Safety Commission Regulatory Document RD-204, *Certification of Persons Working at Nuclear Power Plants*, 2008.

<sup>3</sup> SOR/2000-204

<sup>4</sup> "as defined in section 37 of the NSCA.

<sup>5</sup> Statutes of Canada (S.C.) 1997, chapter (c.) 9

Issue

4. In considering whether to grant OPG a one-time exemption from the application of section 26.1 of RD-204 for the candidate specified in CMD 19-H109, the Commission was required to decide whether:
  - a) the candidate is qualified to undertake the PNGS Units 5-8 CRSS training that the exemption would authorize;
  - b) granting the exemption will not pose an unreasonable risk to the environment or the health and safety of persons.

Panel

5. Pursuant to section 22 of the NSCA, I established myself to preside as a Panel of one Commission member to consider the request. The Commission, in conducting a public hearing based on written materials, considered written submissions from OPG (CMD 19-H109.1) and CNSC staff (CMD 19-H109).

**2.0 DECISION**

6. Based on its consideration of the matter, as described in more detail in the following sections of this *Record of Decision*, the Commission concludes that the candidate is qualified to undertake the PNGS Units 5-8 CRSS training and that this one-time exemption from the requirements of section 26.1 of RD-204 would not pose an unreasonable threat to the health and safety of persons, the environment or national security. Therefore,

the Commission grants a one-time exemption to Ontario Power Generation Inc. from the application of section 26.1 of RD-204, *Certification of Persons Working at Nuclear Power Plants* for the identified candidate.

7. The Commission states that its decision in this matter reflects a *one-time* exemption exclusively as it pertains to the candidate cited in OPG's written submission (CMD 19-H109.1). This decision does not amend in any way licence condition 2.4 of OPG's licence for the PNGS and OPG continues to be required to fulfill all requirements pursuant to PROL 48.00/2028.

8. The Commission would like to note that exempting OPG from the application section 26.1 of RD-204 in respect of the identified candidate does not certify the candidate as a CRSS. Upon completion of applicable requirements, the candidate will be required to apply for certification pursuant to section 9 of the *Class I Nuclear Facilities Regulations*.

### **3.0 ISSUES AND COMMISSION FINDINGS**

9. In making its decision, the Commission considered a number of issues relating to the qualifications and practical experience of the candidate.
10. In its written submission, OPG informed the Commission that it was conducting the final CRSS training for Units 5-8 of the PNGS prior to the end of its commercial operations. OPG further submitted that the candidate was certified as an ANO in September 2018 and that, due to the April 2019 starting date and the duration of CRSS training program, it would not be possible for the candidate to meet the one-year requirement of safely and competently performing the duties of an ANO for one year prior to entering the CRSS program.
11. OPG submitted that section 26.1 of RD-204 did not specify the numbers of shifts that an ANO is required to work in the one-year period prior to starting the CRSS training. OPG further submitted that RD-204 allowed certified staff to maintain their certification while temporarily assigned to other positions, and ANOs temporarily assigned to other positions remained eligible to undertake the CRSS training program. Specifically, OPG noted that ANOs assigned to operationally focussed positions were required to carry out the duties of an ANO during three shifts per quarter (12 per calendar year) and ANOs assigned to non-operationally focussed positions were required to carry out the duties of an ANO during five shifts per quarter (20 per calendar year). OPG informed the Commission that, since being certified as an ANO in September 2018, the candidate had completed 84 shifts during which they had carried out the duties of an ANO.
12. In its written submission, OPG reported that upon entry to the CRSS training program, all ANOs are required to meet the requirements of TQD-103, *Nuclear Certified Personnel Continuing Training and Qualification Description*. That is, all candidates must maintain their certification and continue to gain experience in their certified role (as an ANO) while on the CRSS training program.
13. CNSC staff reported in its written materials that it had reviewed a sample of five PNGS employees during which they had carried out the duties of an ANO and who had advanced to the position of CRSS within the last five years. Upon review, it was found that the number of shifts during which the employees carried out the duties of an ANO completed in the year prior to entering the CRSS training program varied from 12 to

121. CNSC staff noted that the variation in these numbers showed that there was a notable difference in the practical experience of employees in the year prior to entering the CRSS training program and, taken alone, the one-year duration did not reflect the suitability of a candidate for the program. CNSC staff reported that RD-204 did not address this disparity in practical experience of persons entering the CRSS training program.

14. CNSC staff submitted that, during its review of the personnel records of the five ANOs, verifications were done to ensure that there were no records of issues related to performance or safety. CNSC staff further submitted that the review showed that employees who completed less ANO shifts prior to entering the CRSS training program had been performing safely and competently, and that fewer shifts did not affect their success in the CRSS program.
15. CNSC staff informed the Commission that the candidate had successfully completed 84 ANO shifts since being certified by the CNSC in September 2018 and that there were no record of issues related to the candidate's performance while working as an ANO. CNSC staff further reported that it was satisfied that the employee had acquired sufficient practical experience to enter into the CRSS program.
16. OPG submitted that the candidate meets the educational requirements for direct entry into the CRSS training as detailed in section 25.1.1 of RD-204, had the candidate applied to the CRSS training program prior to obtaining their ANO certification,
17. Based on the information considered for this hearing, the Commission is satisfied that the candidate has the relevant practical experience to successfully carry out the duties of an ANO to enter into the CRSS training program at the PNGS prior to completing a year in the role of an ANO, as stipulated in section 26.1 of RD-204.

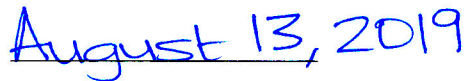
#### **4.0 CONCLUSION**

18. The Commission has considered OPG's request for the one-time exemption from the application of section 26.1 of RD-204 for the identified candidate. In making its decision, the Commission considered written submissions submitted by OPG and CNSC staff.
19. The Commission concludes that the candidate has gained the relevant practical experience as an ANO to enter in to the CRSS training program. In addition, the Commission is of the opinion that the candidate is qualified to undertake the PNGS Units 5-8 CRSS training that the exemption would authorize and that granting the exemption will not pose an unreasonable risk to the environment or the health and safety of persons.

20. The Commission is satisfied that the exemption to the application of section 26.1 of RD-204 would not pose an unreasonable risk to national security; and would not result in a failure to achieve conformity with measures of control and international obligation to which Canada has agreed.
21. Therefore, the Commission grants a one-time exemption to Ontario Power Generation Inc. from the application of section 26.1 of RD-204, *Certification of Persons Working at Nuclear Power Plants* for the identified candidate.
22. This exemption applies only in relation to the identified candidate cited in the written submission by OPG (CMD 19-H109.1) and has been granted on an exceptional basis. This decision does not amend OPG's obligations pursuant to licence condition 2.4 of PROL 48.00/2028.
23. The Commission would like to note that exempting the identified candidate from section 26.1 of RD-204 does not certify the candidate as a CRSS. Upon completion of applicable requirements, the candidate will be required to apply for certification pursuant to section 9 of the *Class I Nuclear Facilities Regulations*.



Rumina Velshi  
President,  
Canadian Nuclear Safety Commission



Date