



Record of Decision

DEC 20-H100

In the Matter of

Applicants Bruce Power, Ontario Power Generation and
New Brunswick Power

Subject Applications to amend four Nuclear Power
Reactor Operating Licences to reference
REGDOC-2.2.3, *Personnel Certification,
Volume III: Certification of Persons Working at
Nuclear Power Plants*

Date of
Decision April 9, 2020

RECORD OF DECISION – DEC 20-H100

Applicants: Bruce Power, Ontario Power Generation Inc. and New Brunswick Power

Addresses/Locations: Bruce Power: 177 Tie Road, Municipality of Kincardine, Tiverton, Ontario N0G 2T0
Ontario Power Generation Inc.: 700 University Avenue, Toronto, Ontario M5G 1X6
New Brunswick Power: 515 King Street, Fredericton, New Brunswick E3B 5G4

Purpose: Applications to amend four Nuclear Power Reactor Operating Licences to reference REGDOC-2.2.3, *Personnel Certification, Volume III: Certification of Persons Working at Nuclear Power Plants*

Applications received: Bruce Power, Bruce Nuclear Generating Stations A and B, November 11, 2019
Ontario Power Generation, Darlington Nuclear Generating Station, October 1, 2019
Ontario Power Generation, Pickering Nuclear Generating Station, November 13, 2019
New Brunswick Power, Point Lepreau Nuclear Generating Station, October 11, 2019

Date of decision: April 9, 2020

Panel of Commission: R. Velshi, President

Licences: Amended

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1.0 INTRODUCTION

1. Bruce Power, Ontario Power Generation (OPG) and New Brunswick Power (NB Power) (the licensees) have each submitted an application to the Canadian Nuclear Safety Commission¹ (CNSC), under subsection 24(2) of the *Nuclear Safety and Control Act*² (NSCA), for an amendment to its Nuclear Power Reactor Operating Licence (PROL) in respect of each operating nuclear generating station (NGS). The facilities include Bruce Power's Bruce NGS A and B, OPG's Darlington NGS, OPG's Pickering NGS, and NB Power's Point Lepreau NGS. The applications request an update to the standardized licence conditions related to training and certification of personnel in their PROLs, by referencing CNSC regulatory document REGDOC-2.2.3, *Personnel Certification, Volume III: Certification of Persons Working at Nuclear Power Plants*.³
2. Bruce NGS A and B are located in Tiverton, Ontario and Bruce Power's licence, PROL 18.00/2028, expires on September 30, 2028. OPG's Darlington NGS is located in the Municipality of Clarington, Ontario and its licence, PROL 13.01/2025, expires on November 30, 2025. OPG's Pickering NGS is located in Pickering Ontario and its licence, PROL 48.00/2028, expires on August 31, 2028. NB Power's Point Lepreau NGS is located in Point Lepreau, New Brunswick and its licence, PROL 17.00/2022, expires on June 30, 2022
3. The current PROLs authorize the licensees to operate their respective NGS, with each licence including a licence condition requiring the implementation of RD-204, *Certification of Persons Working at Nuclear Power Plants*.⁴ The Commission recently approved REGDOC-2.2.3, Volume III, and it is to replace RD-204. The licensees are seeking licence amendments to reflect this change in their licences.
4. REGDOC-2.2.3, Volume III was published in September 2019 following technical analyses conducted by CNSC staff and Commission approval in August 2019. REGDOC-2.2.3, Volume III reflects a three-year validity period extension for knowledge-based examinations, changed from a one-year period in its predecessor RD-204, if the employee meets one or more of the conditions set out in section 30.1.

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 S.C. 1997, c. 9

³ CNSC Regulatory Document REGDOC-2.2.3, *Personnel Certification, Volume III: Certification of Persons Working at Nuclear Power Plants*

⁴ CNSC Regulatory Document RD-204, *Certification of Persons Working at Nuclear Power Plant*

Issue

5. In considering the applications, the Commission is required to decide whether:
 - a) Bruce Power, OPG and NB Power are qualified to carry on the activities that the amended licences would authorize; and
 - b) in carrying on those activities, Bruce Power, OPG and NB Power 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

6. Pursuant to section 22 of the NSCA, the President established herself to preside as a Panel of one Commission member to hear the applications. The Commission, in conducting a public hearing based on written materials, considered written submissions from Bruce Power (CMD 20-H100.3), OPG (CMD 20-H100.1 and CMD 20-H100.4), NB Power (CMD 20-H100.2) and CNSC staff (CMD 20-H100).
7. Due to the interconnected nature of the applications submitted by Bruce Power, OPG and NB Power, and pursuant to subsection 20(3) of the NSCA which states that “*All proceedings before the Commission shall be dealt with as informally and expeditiously as the circumstances and considerations of fairness permit...*,” the Commission has decided to hear these matters in a single hearing.

2.0 DECISION

8. Based on its consideration of these matters, as described in more detail in the following sections of this *Record of Decision*, the Commission concludes that Bruce Power, OPG and NB Power satisfy 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 Nuclear Power Reactor Operating Licence PROL 18.00/2028 issued to Bruce Power for its Bruce Nuclear Generating Stations A and B located in Tiverton, Ontario. The amended licence, PROL 18.01/2028, remains valid until September 30, 2028.

The Commission, pursuant to section 24 of the *Nuclear Safety and Control Act*, amends the Nuclear Power Reactor Operating Licence PROL 13.01/2025 issued to Ontario Power Generation Inc. for its Darlington Nuclear Generating Station located in Municipality of Clarington, Ontario. The amended licence, PROL 13.02/2025, remains valid until November 30, 2025.

The Commission, pursuant to section 24 of the *Nuclear Safety and Control Act*, amends the Nuclear Power Reactor Operating Licence PROL 48.00/2028 issued to Ontario Power Generation Inc. for its Pickering Nuclear Generating Station located in Pickering, Ontario. The amended licence, PROL 48.01/2028, remains valid until August 31, 2028.

The Commission, pursuant to section 24 of the *Nuclear Safety and Control Act*, amends the Nuclear Power Reactor Operating Licence PROL 17.00/2022 issued to New Brunswick Power for its Point Lepreau Nuclear Generating Station located in Point Lepreau, New Brunswick. The amended licence, PROL 17.01/2022, remains valid until June 30, 2022.

9. The Commission includes in the amended licences, the following amended licence conditions based on the recommendations from CNSC staff in Appendix D of CMD 20-H100:⁵

- Bruce Power, Bruce NGS A and B, licence condition 2.4
- OPG, Darlington NGS, licence condition 2.3
- OPG, Pickering NGS, licence condition 2.4
- NB Power, Point Lepreau NGS, licence condition 2.4

The licence conditions currently include the following text:

“The licensee shall implement and maintain training programs for workers. The certification process and supporting examinations and tests shall be conducted in accordance with CNSC regulatory document RD-204: CERTIFICATION OF PERSONS WORKING AT NUCLEAR POWER PLANTS.”

⁵ The Commission notes that, in CMD 20-H100, Appendix B, the proposed wording for the four amended licence conditions referred to REGDOC-2.2.3, Volume III with the incorrect title. CMD 20-H100, Appendix D correctly refers to REGDOC-2.2.3, *Personnel Certification, Volume III: Certification of Persons Working at Nuclear Power Plants*.

This text in the four amended licence conditions shall be replaced with:

*“The licensee shall implement and maintain training programs for workers. The certification process and supporting examinations and tests shall be conducted in accordance with CNSC regulatory document **REGDOC-2.2.3, PERSONNEL CERTIFICATION, VOLUME III: CERTIFICATION OF PERSONS WORKING AT NUCLEAR POWER PLANTS.**”*

The Commission notes that the facility-specific licence conditions each include facility-specific lists of persons appointed to certain positions that require certification. In their licence amendment applications, the licensees did not request amendments to these lists and these will remain the same.

10. With this decision, these licensees are required by licence to conduct training and certification in accordance with REGDOC-2.2.3, Volume III. The Commission expects licensees to update their governance documentation to reflect this amendment within six months of this decision.

3.0 ISSUES AND COMMISSION FINDINGS

11. The Commission notes that the applications submitted by the licensees are for licence amendments that are not about authorizing a designated project under the *Impact Assessment Act*.⁶ The Commission is satisfied that the licensees are not requesting new projects or physical activities.⁷ There is therefore no need to assess the potential impacts arising from the amendments sought.
12. CNSC staff reported that the proposed changes in the licensing requirements would include the implementation of REGDOC-2.2.3, Volume III. This REGDOC allows for a three-year extension – rather than the one-year extension set out in RD-204 – to complete knowledge-based examinations if an employee meets one or more of the conditions set out in REGDOC-2.2.3, Volume III, section 30.1.
13. CNSC staff submitted that REGDOC-2.2.3, Volume III, section 30.2, requires that licensees demonstrate the measures taken to ensure that candidates have maintained the required competencies. CNSC staff reported that, for this reason, the licensees were required to submit a description of the procedures that have been, or would be implemented, to ensure that candidates resuming training after a prolonged period had the necessary knowledge and skills.
14. In its written submission, Bruce Power submitted that there were five documents that would need to be updated to reflect implementation of REGDOC-2.2.3, Volume III and that a regulatory action will be initiated upon the Commission’s amendment of its PROL.

⁶ S.C. 2019, c. 28, s. 1

⁷ SOR/2019-285

15. OPG submitted that, should the Commission approve its licence amendment requests, it would initiate a regulatory obligation request action for both the Pickering NGS and Darlington NGS facilities to update applicable documents to ensure conformance with REGDOC-2.2.3, Volume III.
16. NB Power submitted that it had a change management plan in place for the PLNGS, which provides the process requirements to align with the requirements in REGDOC-2.2.3, Volume III.
17. Should the Commission approve the licence amendment applications, the licensees reported that they would be able to incorporate changes to their process documents within six months of a decision. The Commission anticipates that CNSC staff will modify the four LCHs associated with the amended PROLs to reflect the implementation of REGDOC-2.2.3, Volume III as soon as possible. The Commission notes, however, that the amended licence conditions are effective as of the date of this decision.
18. Based on the information considered for this hearing, the Commission is satisfied that the proposed licence amendments to replace reference to RD-204 with reference to REGDOC-2.2.3, Volume III in the Bruce Power, OPG and NB Power PROLs will not present an unreasonable risk to the health and safety of workers, the public or the environment. The Commission is satisfied that the licensees have appropriate change management processes in place for the satisfactory implementation of REGDOC-2.2.3, Volume III.

4.0 CONCLUSION

19. The Commission has considered the licence amendment applications submitted by Bruce Power, OPG and NB Power, as well as the information submitted by CNSC staff, as set out in the material available for reference on the record. Based on its consideration of the information submitted, the Commission is satisfied that the applications submitted by the licensees meet the requirements of the NSCA, and applicable regulations made under the NSCA.
20. The Commission is satisfied that Bruce Power, OPG and NB Power meet the test set out in subsection 24(4) of the *Nuclear Safety and Control Act*. That is, the Commission is of the opinion that the licensees are qualified to carry on the activities that the proposed amended licences will authorize and that the licensees will 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.

21. Therefore, the Commission, pursuant to section 24 of the *Nuclear Safety and Control Act*, amends the Nuclear Power Reactor Operating Licences issued to
- Bruce Power, Bruce NGS A and B, Tiverton, Ontario
 - OPG, Pickering NGS, Pickering, Ontario
 - OPG, Darlington NGS, Durham, Ontario
 - NB Power, Point Lepreau NGS, Point Lepreau, New Brunswick
22. With these amendments the Commission includes in the amended licences, the following amended licence conditions:
- Bruce Power, Bruce NGS A and B, licence condition 2.4
 - OPG, Darlington NGS, licence condition 2.3
 - OPG, Pickering NGS, licence condition 2.4
 - NB Power, Point Lepreau NGS, licence condition 2.4

The four licence conditions currently include the following text:

“The licensee shall implement and maintain training programs for workers. The certification process and supporting examinations and tests shall be conducted in accordance with CNSC regulatory document RD-204: CERTIFICATION OF PERSONS WORKING AT NUCLEAR POWER PLANTS.”

This text in the four amended licence conditions shall be replaced with:

*“The licensee shall implement and maintain training programs for workers. The certification process and supporting examinations and tests shall be conducted in accordance with CNSC regulatory document **REGDOC-2.2.3, PERSONNEL CERTIFICATION, VOLUME III: CERTIFICATION OF PERSONS WORKING AT NUCLEAR POWER PLANTS.**”*

The Commission notes that the facility-specific licence conditions each include facility-specific lists of persons appointed to certain positions that require certification. In their licence amendment applications, the licensees did not request amendments to these lists and these will remain the same.

23. With this decision, the amended licence conditions require the implementation of REGDOC-2.2.3, Volume III. The Commission expects licensees to update their governance documentation to reflect compliance with this REGDOC within six months of this decision. The Commission anticipates that CNSC staff will modify the four LCHs associated with the amended PROLs to reflect the implementation of REGDOC-2.2.3, Volume III as soon as possible.

Velshi,
Rumina



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April 9, 2020

Rumina Velshi
President,
Canadian Nuclear Safety Commission

Date