



Oral Presentation

Submission from the Power Workers' Union

In the Matter of

**Ontario Power Generation Inc.,
Pickering Nuclear Generating Station**

Request for a ten-year renewal of its Nuclear Power Reactor Operating Licence for the Pickering Nuclear Generating Station

Commission Public Hearing – Part 2

June 2018

Exposé oral

Mémoire du Syndicat des travailleurs et travailleuses du secteur énergétique

À l'égard de

**Ontario Power Generation Inc.,
centrale nucléaire de Pickering**

Demande de renouvellement, pour une période de dix ans, de son permis d'exploitation d'un réacteur nucléaire de puissance à la centrale nucléaire de Pickering

**Audience publique de la Commission –
Partie 2**

Juin 2018

**PWU Submission to Canadian Nuclear Safety Commission Regarding
Renewal of Pickering Nuclear Generating Stations Operating Licence**

**REQUEST TO INTERVENE and WRITTEN SUBMISSIONS
of the Power Workers' Union**

SUMMARY:

The Power Workers' Union ("PWU") requests to intervene at Part II of the Canadian Nuclear Safety Commission's ("CNSC" or the "Commission") public hearing in respect of Ontario Power Generation's ("OPG") application to renew its Nuclear Power Reactor Operating Licence for the Pickering Nuclear Generating Stations ("Pickering NGS") for a period of ten years.

The PWU seeks to intervene by way of this written submission, and also to make an oral presentation at the public hearing.

The PWU supports the analysis and conclusions of CNSC Staff as set out in CMD 18 H6.1 dated March 5, 2018. In light of OPG's performance during the current licence period, as well as the programs and resources in place, OPG is qualified to operate Pickering NGS. OPG has made adequate provision for the health and safety of persons, protection of the environment, and maintenance of national security and measures required to implement international obligations to which Canada has agreed. This licence renewal does not require an environmental assessment under the *Canadian Environmental Assessment Act* because the renewal of an operating licence under the NSCA is excluded from assessment under the CEEA.

A. *The Power Workers' Union ("PWU")*

1. The PWU represents approximately 2500 workers employed at or in support of the Pickering NGS site. The PWU has been the bargaining agent for the majority of employees at Pickering NGS and OPG generally for more than fifty years. The employees represented by the PWU at Pickering NGS work in all facets of the facility, including operations, administration, maintenance, security, projects and modifications, fire protection and radiation protection, and first line supervisors. PWU members represent the "front line" of the day-to-day operations of the facility. The vast majority of PWU represented employees at Pickering NGS live with their families in the immediate surrounding communities.

B. Participation of the PWU in the Nuclear Regulatory Process

2. The PWU appreciates the opportunity to address the CNSC in its important task of considering the renewal of the Pickering NGS Operating Licence and OPG's associated requests. The safety of the workers it represents through the safe operation of the facility is the foremost concern of the PWU. The PWU welcomes the CNSC in the exercise of its legislative mandate. The exercise of this mandate is fundamental to the maintenance of a safe and healthy workplace and community for our members.

3. The PWU has been an active participant in the regulatory oversight of nuclear safety issues arising from the management and operation of generating facilities in the province of Ontario. The PWU has made presentations to the federal Environmental Assessment Review Panel regarding nuclear fuel waste, to the Atomic Energy Control Board ("AECB") with respect to accountability in nuclear performance, to the Ontario Legislature Select Committee on Ontario Hydro Nuclear affairs, to the CNSC with respect to the environmental assessments and various relicensing applications at the Bruce, Pickering and Darlington nuclear facilities (for example, the 2009 and 2015 Bruce NGS renewal applications, the Darlington renewal applications in 2007 and 2015, the Darlington refurbishment and renewal application in 2012, and the 2013 Pickering NGS A and B renewal applications).

C. Nuclear Safety Today

4. Directly or indirectly, any issue in relation to potential adverse environmental impact from the refurbishment and operation of the facility will also cause a potential adverse impact on the safety and health of PWU-represented workers at Pickering NGS. Whether arising from the design, condition, or operation of equipment, or from work policies, processes or practices, any deficiency that creates the potential of a significant adverse environmental impact will be felt first by PWU members. The PWU has no interest in, and refuses to permit its members to be exposed to accident, injury or illness from either conventional or nuclear hazards.

5. The health and safety of the PWU's members on the job has been the one issue above all others that have dominated the PWU's focus throughout its more than 70-year history. The PWU has sought aggressively to play a role in the decision-making in the workplace to positively affect the working lives of its members. The experience of the PWU has varied with different employers in different work places. At the Pickering site, the experience of the PWU in this regard has been positive. We continuously look for ways to improve and the greatest opportunities come from the involvement of Worker Representatives in Health- and Safety-related committees and investigations. Due in part to the

PWU's concerted efforts, Pickering NGS has an excellent health and safety record.

D. PWU Supports the CNSC Staff's Reports Regarding the Pickering Licence Renewal Applications

6. The current Pickering NGS operating licence, PROL 48.03/2018 expires on August 31, 2018. OPG has requested a renewal licence period of ten years, which encompasses operation until the end of commercial operations at the end of 2024, as well as post-shutdown activities associated with removal of fuel and water in preparation for the safe storage of all units.

7. The PWU supports the analysis undertaken and the conclusions reached in the CNSC Staff's reports. The PWU submits that CSNC Staff reviewed the appropriate issues, considered the appropriate evidence and reached the appropriate conclusions. Specifically:

- a. OPG met or exceeded CNSC's fifteen safety and control area ("SCA") requirements from 2013-2016. All measures displayed either positive or stable trends (CMD 18-H6.1, p. 3). Pickering NGS received an integrated fully satisfactory rating for 2015 and 2016;
- b. OPG has implemented the safety and control areas safely. During the current licence period, there were no serious process system failures, the availability of special safety systems was acceptable, and doses to workers and the public were well below regulatory limits. Risk to the public and workers have been kept low (CMD 18-H6.1, p. 4).
- c. In support of its application, OPG has performed a periodic safety review ("PSR"), the purpose of which was to confirm and enhance the safety case for continued operation of Pickering NGS. CNSC Staff accepted the PSR, concluding that the PSR met regulatory requirements and expectations, that Pickering NGS design, operation, processes and management system will ensure continued safe operation of Units 1, 4 and 5-8, for the operation to the end of 2024; and that OPG's commitment to invest in the plant will enhance the safe operation of Pickering NGS reactor units. (CMD 18-H6.1, p. 16, 20).
- d. OPG submitted an updated Environmental Risk Assessment ("ERA") in April 2017. CNSC staff's assessment of this ERA provided a complete evaluation of all potential risks to human health and the environment associated with facility operations. CNSC Staff concluded that, overall, the meaningful adverse ecological and human health effects due to releases to air and water from Pickering NGS are found to be unlikely (CMD 18-H6.1, p. 6, 97).
- e. The CNSC has recommended station-specific conditions and PSR enhancements as detailed in CMD 18-H6.1.

E. Additional Considerations

8. The PWU raises the following issues for the consideration of the CNSC.

1. Joint Health and Safety Committees

9. The PWU is actively engaged in health and safety activities at or in support of the Pickering NGS site. PWU, Society of United Professionals and OPG leadership sit on a corporate level policy committee on Health and Safety, the **Tripartite Advisory Committee**, which sets safety policy, makes recommendations on safety initiatives, and establishes working groups to address priority issues. In addition to the Tripartite Advisory Committee, through collective bargaining, the PWU and OPG have convened a number of health and safety committees:

- **Local Joint Health and Safety Committee** – The Pickering Joint Health and Safety Committee (JHSC) is the centrepiece of the health and safety framework. This is a legally mandated committee to which the PWU appoints 50% of the Members. The PWU JHSC Members are assisted by local PWU Leadership and PWU Health and Safety Staff. The PWU has negotiated and secured JHSC membership ratios and training for PWU JHSC Members in excess of legal requirements.
- **Joint Health and Safety Working Committee** - This committee consists of senior representatives from OPG, the PWU and the Society of United Professionals. The role of this committee is to carry out the work programs as per the Joint Policy Committee, and to function as a resource for the Joint Health and Safety Committee.
- **Joint Committee on Radiation Protection** - The PWU participates in a number of permanent committees with members of OPG management with the purpose of addressing radiation protection issues. The Joint Committee on Radiation Protection reviews radiation protection performance and provides recommendations to OPG with respect to employee and public safety in relation to the radiation safety program. The PWU also has representation on the Pickering ALARA Committee.
- **PWU Health & Safety Committee Support** - The PWU Health and Safety Staff Officer meets with the local Chief Stewards and PWU JHSC members at the Pickering site on a regular basis. The purpose of these meetings is to ensure that the Joint Health and Safety Committee members are kept updated on issues from the Joint Working Committee and to assist with any current issues that the Health and Safety Committee members bring forward for discussion.

10. Work through these committees has been positive. Safety issues are treated with seriousness, and the committees have a good record of cooperative action to resolve issues as they arise.

11. The attention that health and safety issues has received through the committees and on the shop floor has borne fruit through improved health and safety performance of the facility as a whole. For example, Pickering's Conventional Safety SCA was rated as "fully satisfactory" for both 2015 and 2016.

12. In a large and complex facility operated by humans it will not be possible to entirely eliminate health and safety incidents. Rather the goal is to strive for continuous improvement of health and safety performance, to learn from each incident, and to implement measures to prevent reoccurrence. OPG and the PWU have a negotiated agreement on the rating of incidents and the participation of the PWU in investigations.

2. Management Systems

13. The PWU notes that OPG has implemented and maintained a safe and effective management system, including a healthy safety culture and security culture. In particular, the PWU observes and agrees with CNSC Staff's comments regarding safety culture at Pickering NGS (CMD 18-H6.1, p. 31).

3. Human Performance Systems

14. Of particular importance to the PWU is the robust Human Performance Program implemented by OPG. As the CNSC Staff notes, OPG has a number of individual programs that impact human performance, implemented with the support of the PWU. The PWU will continue to be actively involved in the development and review of additional human performance program reviews. The PWU supports CNSC Staff's conclusion that OPG's human performance program at Pickering NGS addresses the fundamental principles that the CNSC considers necessary to support human performance (p. 35).

15. The PWU supports the CNSC Staff's conclusion that the safe operation of the plant is maintained by OPG's procedures in respect of hours of work and its Fitness for Duty assessment procedures. The PWU has actively participated in the CNSC's stakeholder consultation process on hours of work and fitness for duty programs, including preparing submissions on draft regulatory documents and attending in-person stakeholder meetings with the CNSC. The PWU intends to continue to participate in the CNSC's stakeholder consultation process and to work with OPG on these issues.

(a) *Minimum shift complement*

16. CNSC Staff have monitored OPG's minimum shift complement. In May 2017, CNSC Staff confirmed that OPG was in compliance with licence

requirements and has processes and procedures in place to ensure the availability of a sufficient number of qualified staff.

17. The PWU notes that the CNSC identified opportunities for improvement in the areas of accurate record-keeping, training qualifications for all staff in their work group and emergency response roles and reinforcing consistent behaviors in the use of the Minimum Complement Compliance Program electronic record. (CMD 18-H6.1, p. 37).

(b) Staffing

18. The PWU recognizes that ongoing work is required to meet the challenge of providing a sufficient complement of fully-trained and certified staff. The PWU will continue to work with OPG to facilitate this process, and in particular, to address staffing issues as Pickering approaches the end of commercial operations and transitions to safe storage.

(c) Hours of work

19. OPG has a strategy for managing worker fatigue. OPG has procedures that control the number of hours worked by workers who perform safety-sensitive work at Pickering NGS. Many of these workers are part of the minimum shift complement.

20. The PWU was actively engaged as a stakeholder in the development of REGDOC 2.2.4 *Human Performance Management – Fitness for Duty: Managing Worker Fatigue*, which was published in March 2017. The PWU has also been engaged in the ongoing implementation of this regulatory document. The PWU is satisfied that the current shift schedules are organized in a manner that respects the need for worker downtime and reduces work fatigue.

21. The PWU notes that during the CNSC Staff's review in July 2017, there were no non-compliances with the limits of hours of work by certified staff performing safety-related tasks or working on safety-related systems, for the year 2016.

(d) Worker Training

22. The PWU recognizes the benefits that a high emphasis on continuous improvements to the levels of skills and training for its members can provide. This is true, both for the safe and efficient operation of the facility, and also for the level of dedication and fulfillment of its members in the performance of their duties. As a result, the PWU has long encouraged OPG to maintain an aggressive program of worker training and certification.

23. The PWU, its staff and its local members have a great deal of knowledge and experience, both with respect to the type of training that is required in the workplace. The PWU independently conducts health and safety training for worker committee members and other health and safety activists.

24. The PWU notes that CNSC Staff conducted inspections and desktop reviews of OPG training programs for a number of job categories, including those held by PWU members, and concluded that these training programs were defined, designed, developed, evaluated and managed in accordance with regulatory requirements (CMD 18-H6.1, p. 36), as were initial certification and requalification testing programs (CMD 18-H6.1, p. 36).

4. Fitness for Duty/Drug and Alcohol Testing

25. The PWU acknowledges that the CNSC approved REGDOC 2.2.4 *Fitness for Duty Volume II: Managing Alcohol and Drug Use* in November 2017 which includes alcohol and drug testing requirements. The PWU actively participated in the stakeholder engagement process for this regulatory document, and vigorously opposes random drug testing as an unnecessary violation of employees' constitutional rights.

26. OPG, working with the PWU, has developed a robust and sophisticated fitness for duty process at Pickering NGS over the last 40-50 years. In addition to policies that prohibit staff from working while impaired, supervisors are trained in continuous behaviour and observation systems to look for and identify the signs of safety-significant behavioural changes associated with substance dependency and substance impairment.

27. In nuclear facilities, there are the sophisticated systems to catch and deal with fitness for duty issues (not just impairment from drugs or alcohol, but for any other reason, from emotional upset to sleep deprivation) that has worked well for decades. The collection of bodily fluids is intrusive and cannot be carried out by the state without a compelling need to do so. There is no factual basis of substance abuse problems at Pickering NGS to justify this intrusion.

28. The PWU has filed a grievance and will oppose the implementation of this unconstitutional regulatory document, through the labour arbitration process and in the courts.

5. End of Commercial Operations

29. The PWU and OPG are actively engaged in planning for the transition during and after the end of commercial operation at Pickering NGS.

Conclusion

In conclusion, the PWU supports the analysis and conclusions of CNSC Staff as set out in CMD 18-H.6 dated March 5, 2018. In light of OPG's performance during the current licence period, as well as the programs and resources in place, OPG is qualified to operate Pickering NGS. OPG has made adequate provision for the health and safety of persons, protection of the environment, and maintenance of national security and measures required to implement international obligations to which Canada has agreed. This licence renewal does not require an environmental assessment under the *Canadian Environmental Assessment Act* because the renewal of an operating licence under the NSCA is excluded from assessment under the CEEA.

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