

Record of Proceedings, Including Reasons for Decision

In the Matter of

Applicant Ontario Power Generation Inc.

Subject Application to Amend the Darlington Nuclear
Generating Station Power Reactor Operating
Licence to Reflect Updates in Documentation

Hearing Date July 14, 2006

RECORD OF PROCEEDINGS

Applicant: Ontario Power Generation Inc.

Address/Location: 889 Brock Rd, P826A-1, Pickering, Ontario, L1W 3J2

Purpose: Application to amend the Darlington Nuclear Generating Station Power Reactor Operating Licence to reflect updates in documentation

Application received: July 4, 2006

Date(s) of hearing: July 14, 2006

Location: Canadian Nuclear Safety Commission (CNSC) President's Office, 280 Slater St., 12th Floor, Ottawa, Ontario

Members present: L. J. Keen, Chair

Secretary: M. Leblanc

Recording Secretary: M. Young

Licence: Amended
Date of Decision: July 14, 2006

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Introduction

1. Ontario Power Generation Inc. (OPG) has applied to the Canadian Nuclear Safety Commission (CNSC¹) in order to amend its Power Reactor Operating Licence (PROL) 13.11/2008. The following changes were requested:
 - approval of changes to the following role documents: Darlington Site Radiation Protection Manager and Section Manager, Radiation Protection Programs; and
 - amend the PROL to include a new licence condition requiring compliance with Regulatory Standard S-98 Revision 1 “Reliability Programs for Nuclear Power Plants”.
2. In addition, CNSC staff proposed two minor administrative corrections to the licence:
 - correction to PROL Section 2, Licence Condition 2.1 Role Documents table to match Appendix B, Licence Condition 2.1 Role Documents table; and
 - correction to PROL Section 8, Licence Condition 8.3 and Appendix B, Licence Condition 8.3.

Issues

3. In considering the application, the Commission was required to decide:
 - a) if OPG is qualified to carry on the activity that the amended licence would authorize, pursuant to subsection 24(4) of the *Nuclear Safety and Control Act*² (NSCA);
 - 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, pursuant to subsection 24(4) of the NSCA.

Hearing

4. Pursuant to section 22 of the NSCA, the President of the Commission established a Panel of the Commission to review the application.

¹ In this *Record of Proceedings*, 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.

5. The Panel of the Commission (hereafter referred to as the Commission), in making its decision, considered information presented for a hearing held on July 14, 2006 in Ottawa, Ontario. During the hearing, the Commission considered written submissions from CNSC staff (CMD 06-H123) and OPG (CMD 06-H123.1).
6. The hearing was conducted in accordance with Rule 3 of the *Canadian Nuclear Safety Commission Rules of Procedure*³. In establishing the process, a standing panel on procedural matters determined that it was not necessary to hold a public hearing on the matter, and the hearing was conducted by a panel of one commission member, based on written submissions.

Decision

7. Based on its consideration of the matter, as described in more detail in the following sections of this *Record of Proceedings*, the Commission is satisfied that OPG is qualified to carry out the activity that the amended licence will authorize and in carrying out that activity, 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. Therefore,

the Commission, pursuant to section 24 of the Nuclear Safety and Control Act, amends two licence conditions in the Ontario Power Generation Inc. Darlington Nuclear Generating Station PROL 13.11/2008.

8. The Commission includes in the amended licence the conditions and two corrections proposed by CNSC staff in CMD 06-H123.

Issues and Commission Findings

9. In making its licensing decision under section 24 of the NSCA, the Commission considered whether the amendments would have any impact on the qualifications of the licensee to carry out the activities authorized under the current licences, and the adequacy of the measures in place for protecting the environment, the health and safety of persons, national security and international obligations to which Canada has agreed.

Qualifications and Protection Measures

Proposed Revisions to Role Documents

10. OPG reported that the role documents for the Site Radiation Protection Manager and the Section Manager, Radiation Protection Programs were modified to reflect organizational realignment. These changes were described in the OPG 2005 Business Plan. OPG also

³ SOR/2000-211

reported that the change in reporting relationship was not significant and that the specific responsibilities of the Site Radiation Protection Manager and the Section Manager, Radiation Protection Programs (Responsible Health Physicist) were unchanged. CNSC staff reported that it had reviewed the proposed changes and agreed that the change in reporting relationships was not significant and that the specific responsibilities were unchanged.

11. The required changes to the PROL role documents are indicated below:

Site Radiation Protection Manager	N-MAN-08131-10000 AECB-017 R03
Section Manager, Radiation Protection Programs	N-MAN-08131-10000 AECB-016 R03

12. The Commission is satisfied that the change in reporting relationships is not significant, that the specific responsibilities are unchanged, and that the Darlington NGS will continue to be safely operated. The Commission approves the amendment to the Darlington PROL concerning the role documents.

Regulatory Standard S-98 Compliance

13. CNSC staff reported that S-98 was developed by CNSC staff to assure that a licensee develops and implements a reliability program that assures that the systems important to safety at the plant can and will meet their defined design and performance specifications at acceptable levels of reliability throughout the lifetime of the facility.
14. OPG reported that two OPG governing documents relevant to S-98 compliance had recently been issued. The program document “Risk and Reliability Program” N-PROG-RA-0016-R05 had been revised to include S-98 requirements, and a new standard, “Reliability Monitoring and Reporting of Systems Important to Safety” N-STD-RA-0033-R00, had been created.
15. CNSC staff reported that its review of the supporting documents indicated that OPG is in general compliance with S-98 Revision 1. CNSC staff stated that there were certain issues that required further analysis by OPG, as well as others that had already been identified by CNSC staff and communicated to the licensee. These issues will be addressed as part of the Regulatory Guide G-98 development process that will include consultations with licensees.
16. The Commission is satisfied that OPG complies with the requirements for S-98 and approves the requested addition of the licence condition to the Darlington PROL.

Corrections to Licence

17. CNSC staff proposed two minor administrative corrections to the licence. The first of these changes was to correct PROL Section 2, Licence Condition 2.1 Role Documents table to match Appendix B, Licence Condition 2.1 Role Documents table. The corrected portion of the table is shown below:

Shift Manager, Darlington Nuclear	N-MAN-08131-10000 CNSC-006 R00
Control Room Shift Supervisor, Darlington Nuclear	N-MAN-08131-10000 CNSC-008 R00

18. The second correction was to PROL Section 8, Licence Condition 8.3 and Appendix B, Licence Condition 8.3. This is an update to the documentation only, as the change was approved in 2004 but was not incorporated in the current licence. This was an oversight on CNSC staff's part. The changes to the PROL are included in CMD 06-H123.
19. The Commission is satisfied that the corrections are administrative in nature and will not affect the operation of the Darlington NGS. As such, the Commission approves CNSC staff's corrections to the Darlington PROL.

Canadian Environmental Assessment Act

20. Before making a licensing decision, the Commission must be satisfied that all applicable requirements of the *Canadian Environmental Assessment Act* (CEAA) have been fulfilled.
21. 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 *Canadian Environmental Assessment Act*⁴ (CEAA).
22. The Commission therefore accepts the CNSC staff's determination that an environmental assessment is not required pursuant to the CEAA prior to the Commission making a decision on the current application for amendment of the licence.

Conclusion

23. The Commission has considered the information and submissions of the CNSC staff and OPG as presented in the material available for reference on the record.
24. The Commission is satisfied that OPG is qualified to carry out the activity that the amended licence will authorize and, in carrying out that activity, 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.
25. The Commission therefore amends two licence conditions in the Darlington Nuclear Generating Station PROL 13.11/2008, pursuant to section 24 of the NSCA.

⁴ S.C. 1992, c. 37.

26. The Commission includes in the amended licence the conditions and two corrections proposed by CNSC staff in CMD 06-H123.

Linda J. Keen
President,
Canadian Nuclear Safety Commission

Date of decision: July 14, 2006

Date of release of Reasons for Decision: September 6, 2006