



## Notice of Violation (Corporation) Procès-verbal (Société)

Date of notice / Date de l'avis: January 12, 2016

AMP number / Numéro de SAP: 2016-AMP-01

Violation committed by / Violation commise par:	Amount of penalty / Montant de la sanction:
Ontario Power Generation Inc.	\$ 31,690

### Violation

Failure to comply with conditions of a licence

Contrary to paragraph 48(c) of the *Nuclear Safety and Control Act*

### Relevant facts / Faits pertinents

I, Barclay Howden, Director General of the Directorate of Power Reactor Regulation and Designated Officer authorized by the Canadian Nuclear Safety Commission (CNSC) to issue notices of violations, believe on reasonable grounds that Ontario Power Generation (OPG) committed the above violation. The facts relevant to the violation and the penalty calculation are:

On two occasions, OPG made unilateral decisions to cease corrective actions necessary for compliance with conditions of their Power Reactor Operating Licence for Pickering Nuclear Generating Station without notifying the CNSC. If not corrected, this behavior could in the future result in unreasonable risks to national security, the health and safety of persons and the environment. This AMP is issued to OPG to promote compliance with conditions of their licence and to deter reoccurrence.

Further details are Prescribed Information and cannot be released in accordance with sub-section 23(1) of the General Nuclear Safety and Control Regulations.

Based on my review of this matter and a consideration of the seven factors in section 5 of the *Administrative Monetary Penalties Regulations (Canadian Nuclear Safety Commission)*, the amount of the penalty was determined having regard to the following relevant facts:

1. **Compliance history** ASSESSED SCORE = 0

OPG has not been issued any Administrative Monetary Penalties or CNSC orders in the past five years.

2. **Intention or negligence** ASSESSED SCORE = 2

OPG made unilateral decisions to cease corrective actions necessary for compliance with licence conditions.



3. **Actual or potential harm** ASSESSED SCORE = 2

OPG's unilateral decisions could in the future result in unreasonable risks to national security, the health and safety of persons and the environment.

4. **Competitive or economic benefit** ASSESSED SCORE = 0

There was no apparent competitive or economic benefit as a result of this violation.

5. **Efforts to mitigate or reverse effects** ASSESSED SCORE = 2

OPG returned to non-compliance by ceasing corrective actions.

6. **Assistance to Commission** ASSESSED SCORE = 1

OPG was initially unresponsive to CNSC staff's direction to reinstate corrective actions.

7. **Attention of Commission** ASSESSED SCORE = 2

OPG failed to report to the CNSC their decision to cease corrective actions despite the presence of CNSC staff on-site



## Penalty calculation / Calcul de la sanction:

(See *Administrative Monetary Penalties Regulations (Canadian Nuclear Safety Commission) SOR/2013-139*)  
(Veuillez consulter le *Règlement sur les sanctions administratives pécuniaires de la Commission canadienne de sûreté nucléaire, DORS/2013-139*)

<b>(a) Category of violation / Catégorie de violation</b>				
Category A / Catégorie A <input type="checkbox"/>	Category B / Catégorie B <input type="checkbox"/>	Category C / Catégorie C <input checked="" type="checkbox"/>		
<b>(b) Penalty range / Barème de sanction</b>				
Category / Catégorie	Minimum	Maximum	Maximum – Minimum	
A	\$1 000	\$12 000	\$11 000	
B	\$1 000	\$40 000	\$39 000	
<b>C</b>	<b>\$1 000</b>	<b>\$100 000</b>	<b>\$99 000</b>	
<b>(c) Determining factors / Facteurs déterminants</b>				
Factors / Facteurs	Scale of regulatory significance / Échelle de l'importance sur le plan réglementaire			Assessed score / Pondération évaluée
1. Compliance history Antécédents en matière de conformité	0 <input checked="" type="checkbox"/> +1 <input type="checkbox"/> +2 <input type="checkbox"/> +3 <input type="checkbox"/> +4 <input type="checkbox"/> +5 <input type="checkbox"/>			0
2. Intention or negligence Intention ou négligence	0 <input type="checkbox"/> +1 <input type="checkbox"/> +2 <input checked="" type="checkbox"/> +3 <input type="checkbox"/> +4 <input type="checkbox"/> +5 <input type="checkbox"/>			2
3. Actual or potential harm Dommages réels ou potentiels	0 <input type="checkbox"/> +1 <input type="checkbox"/> +2 <input checked="" type="checkbox"/> +3 <input type="checkbox"/> +4 <input type="checkbox"/> +5 <input type="checkbox"/>			2
4. Competitive or economic benefit Avantage économique ou concurrentiel	0 <input checked="" type="checkbox"/> +1 <input type="checkbox"/> +2 <input type="checkbox"/> +3 <input type="checkbox"/> +4 <input type="checkbox"/> +5 <input type="checkbox"/>			0
5. Efforts to mitigate or reverse effects Efforts pour atténuer ou neutraliser les effets	-2 <input type="checkbox"/> -1 <input type="checkbox"/> 0 <input type="checkbox"/> +1 <input type="checkbox"/> +2 <input checked="" type="checkbox"/> +3 <input type="checkbox"/>			2
6. Assistance to Commission Aide apportée à la Commission	-2 <input type="checkbox"/> -1 <input type="checkbox"/> 0 <input type="checkbox"/> +1 <input checked="" type="checkbox"/> +2 <input type="checkbox"/> +3 <input type="checkbox"/>			1
7. Attention of Commission Violation déclarée à la Commission	-2 <input type="checkbox"/> -1 <input type="checkbox"/> 0 <input type="checkbox"/> +1 <input type="checkbox"/> +2 <input checked="" type="checkbox"/> +3 <input type="checkbox"/>			2
<b>Total</b>			<b>9</b>	
÷ 29 <sup>(1)</sup> [rounded to 2 decimal points / arrondi à 2 décimales près]=			<b>0.31</b>	
<b>X 99000</b>				
[total] =			<b>30,690</b>	
<b>+ \$ 1000 [minimum for the category / montant minimal pour la catégorie] =</b>			<b>31,690</b>	

<sup>(1)</sup>29 being the maximum value of regulatory significance / <sup>(1)</sup>29 étant la valeur maximale de l'importance sur le plan réglementaire



## To request a review / Pour présenter une demande de révision

As a person subject to an administrative monetary penalty, you have the right to request a review of the amount of the penalty or the facts of the violation, or both. Your request must be made in writing indicating the reasons why you are requesting a review and providing supporting information.

If you choose to request a review, you must do so in writing by February 11, 2016 to:

Canadian Nuclear Safety Commission  
c/o Marc Leblanc  
Commission Secretary  
P.O. Box 1046, Station B  
Ottawa, Ontario K1P 5S9

Fax: (613) 995-5086  
Telephone: (613) 995-6506  
Email:  
cnscc.interventions-interventions.ccsn@canada.ca

En tant que personne faisant l'objet d'une sanction administrative pécuniaire, vous avez le droit de demander une révision du montant de la pénalité ou des faits quant à la violation, ou des deux. Vous devez présenter votre demande par écrit, y indiquer pourquoi vous demandez une révision et inclure toute information à l'appui de votre demande.

Si vous demandez une révision, vous devez le faire par écrit avant le 11 février 2016 en communiquant avec :

Commission canadienne de sûreté nucléaire  
a/s Marc Leblanc  
Secrétaire de la Commission  
C.P. 1046, succursale B  
Ottawa (Ontario) K1P 5S9

Télécopieur : 613-995-5086  
Téléphone : 613-995-6506  
Courriel :  
cnscc.interventions-interventions.ccsn@canada.ca

## Payment / Paiement

You may pay this administrative monetary penalty by sending a cheque to:

Receiver General for Canada  
c/o Canadian Nuclear Safety Commission  
Finance Division  
P.O. Box 1046, Station B  
Ottawa, Ontario K1P 5S9

For other payment methods and further instructions, please refer to the attached *Notice of Payment Due*.

**Should you neither pay the penalty nor exercise your right to a review, you will be considered as having committed the violation and will be liable to the penalty set out herein.**

Cette sanction administrative pécuniaire peut être payée par chèque libellé au nom du :

Receveur général du Canada  
a/s Commission canadienne de sûreté nucléaire  
Division des finances  
C.P. 1046, succursale B  
Ottawa (Ontario) K1P 5S9

Pour de l'information sur les autres méthodes de paiement et d'autres instructions, veuillez consulter le document *Avis de paiement dû* ci-joint.

**Si vous ne payez pas la sanction et n'exercez pas votre droit de révision, on considérera que vous avez commis la violation et vous serez passible de la sanction mentionnée aux présentes.**



## Issued by / Délivré par

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Barclay Howden

Designated Officer / Fonctionnaire désigné

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Date

Telephone / Téléphone: (613) 995-2655

Email / Courriel: Barclay.Howden@canada.ca