



Canadian Nuclear
Safety Commission

Commission canadienne
de sûreté nucléaire

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 March 28, 2011

RECORD OF PROCEEDINGS

Applicant: Ontario Power Generation Inc.

Address/Location: 700, avenue University, Toronto (Ontario) M5G 1X6

Purpose: Application to amend the Darlington Nuclear Generating Station Power Reactor Operating Licence to Reflect Updates in Documentation

Application received: January 5, 2010 and October 25, 2010

Date of hearing: March 28, 2011

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

Members present: M. Binder, Chair

Secretary: M. Leblanc
Recording Secretary: S. Gingras

Licence: Amended

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Introduction

1. Ontario Power Generation Inc. (OPG) had applied to the Canadian Nuclear Safety Commission¹ (CNSC) for three amendments to the Power Reactor Operating Licence for its Darlington Nuclear Generating Station (NGS) located in Clarington, Ontario. The above amendments have been approved by a Panel of the Commission on February 7, 2011².
2. CNSC staff noticed after the hearing that corrections needed to be made to the licence to appropriately reflect the approvals granted in this abridged hearing. This Record of Proceedings aims at detailing these corrections. These are administrative changes only.

Issue

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

Hearing

4. Pursuant to section 22 of the NSCA, the President of the Commission established a Panel of the Commission to review the application. The Commission, in making its decision, considered information presented for a hearing held on March 28, 2011 in Ottawa, Ontario. During the hearing, the Commission considered a written submission from CNSC staff (CMD 11-H102.A).

Decision

5. Based on its consideration of the matter, as described in more detail in the following sections of this *Record of Proceedings*, the Commission concludes that OPG has met the conditions of subsection 24(4) of the NSCA. Therefore,

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 Record of Proceedings, Including Reasons for Decision, *Application to amend the Darlington Nuclear Generating Station Power Reactor Operating Licence to Reflect Updates in Documentation*, February 7, 2011.

³ Statutes of Canada (S.C.) 1997, chapter (c.) 9.

the Commission, pursuant to section 24 of the *Nuclear Safety and Control Act*, amends the Power Reactor Operating Licence PROL 13.13/2013 issued to Ontario Power Generation Inc. for its Darlington Nuclear Generating Station located in Clarington, Ontario. The amended licence, PROL 13.14/2013, is valid until February 28, 2013.

6. The Commission includes in the licence the conditions as amended in CMD 11-H102.A.

Issues and Commission Findings

Qualifications and Protection Measures

7. One of the changes requested by OPG were updates to the operating licence to reflect the most current revisions of the OPG document entitled “Nuclear Management System”. This request also involved updating the reference to the 2005 version of the CSA standard N286-05.
8. This licence amendment therefore involved modifications to licence condition 3.8 and Appendix B of the licence. However, CNSC staff’s CMD 11-H102 and the Record of Proceedings that were issued for this licence amendment request, as well as the licence did not include any changes to licence condition 3.8.
9. CNSC staff recommended making a correction to licence condition 3.8 of PROL 13.13/2013 (previously amended on February 7, 2011) to include a reference to the updated version of CSA N286-05. This change would align licence condition 3.8 to Appendix B of the licence that refer to the new standard in the recently amended licence, and is only aimed at correcting an administrative error.
10. CNSC staff also found that some annotated dates beside licence conditions were incorrect. Licence conditions 1.2 to 1.4 should have kept the amended dates as 2010-06 (June 2010) instead of changing them to 2011-01 (January 2011) since no changes have been made to these licence conditions. Also, the amended dates for the licence conditions that have been changed in the February 7, 2011 abridged hearing should have indicated 2011-02 (February 2011) instead of 2011-01 since the hearing occurred in February and not January 2011.
11. CNSC staff considers that the proposed corrections to the licence are only aimed at correcting administrative errors and do not impact in any way the decision made on February 7, 2011.

Application of the *Canadian Environmental Assessment Act*

12. Before making a licensing decision, the Commission must be satisfied that all

applicable requirements of the *Canadian Environmental Assessment Act*⁴ (CEAA) have been fulfilled.

13. 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 the CEAA.

Conclusion

14. The Commission has considered the information and submissions of CNSC staff and OPG and is satisfied that the requested change is to correct administrative errors and will not adversely impact the safety of the Darlington NGS operations. The Commission is also satisfied that aboriginal consultation is not necessary in relation to the proposed corrections.
15. The Commission is also satisfied that all applicable requirements of the CEAA have been fulfilled.



Michael Binder
President,
Canadian Nuclear Safety Commission

MAR 28 2011

Date

⁴ S.C. 1992, c. 37.