

Record of Proceedings, Including Reasons for Decision

In the Matter of

Applicant Bruce Power Inc.

Subject Application to Amend Bruce Nuclear Generating
Stations A and B Power Reactor Operating
Licences to Update Bruce A and B Safety
Reports

Hearing
Date October 22, 2008

RECORD OF PROCEEDINGS

Applicant: Bruce Power Inc.

Address/Location: P.O. Box 1540, Building B10, 177 Tie Road, Municipality of Kincardine, R.R.#2, Tiverton, Ontario N0G 2T0

Purpose: Application to amend Bruce Nuclear Generating Stations A and B Power Reactor Operating Licences to update Bruce A and B Safety Reports

Applications received: February 24, 2006
July 7, 2006

Date of hearing: October 22, 2008

Location: Canadian Nuclear Safety Commission (CNSC) Public Hearing Room, 280 Slater St., 14th. Floor, Ottawa, Ontario

Members present: M. Binder, Chair

Secretary: K. McGee
Recording Secretary: P. Reinhardt

Licence: amended

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Introduction

1. Bruce Power Inc. (Bruce Power) has applied to the Canadian Nuclear Safety Commission¹ (CNSC) for an amendment to the Bruce Power Nuclear Generating Stations A (Bruce NGS A) and B (NGS Bruce B) Power Reactor Operating Licences (PROL). Both stations are located in the municipality of Kincardine, Ontario. The current licences are PROL 15.14/2009 for Bruce A and PROL 16.15/2009 for Bruce B.
2. Bruce Power is seeking CNSC's approval to update Bruce A and Bruce B Safety Reports to reference the 2006 Safety Report revision. The revision concerns Part 1 of the Safety Report on the plant and site description, Part 2 of the Safety Report on components and systems and Part 3 of Report on accident analysis.
3. These changes in Part 1, 2 and 3 of the Safety Reports are administrative in nature. The revision to the legal description of the site, the lease arrangements and the report on accident analysis does not change the physical location of the site.
4. It is a requirement for licensees to update their Safety Reports every three years, as stipulated in Section 6.4.4 of CNSC Regulatory Document S-99² "Reporting Requirements for Operating Nuclear Power Plants". The last revisions of the Safety Reports were submitted in 2003. It is, at this time appropriate to reference to the most current analysis in the Bruce A and Bruce B Safety Reports which is the revision from 2006.

Issue

5. 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 Bruce Power is qualified to carry on the activity that the amended licences would authorize; and
 - b) if in carrying on that activity, Bruce 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.

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 Regulatory Standard S-99, CC173-3/3-99E, ISBN 0-662-33690-9

³ S.C. 1997, c. 9.

Hearing

6. Pursuant to section 22 of the NSCA, the President of the Commission established a Panel of the Commission to review the application. 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.
7. The Commission, in making its decision, considered information presented for a hearing held on October 22, 2008 in Ottawa, Ontario. During the hearing, the Commission considered written submissions from CNSC staff (CMD 08-H136) and, Bruce Power Inc. (CMD 08-H136.1).

Decision

8. 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 Bruce Power Inc. is qualified to carry on the activity that the amended licences will authorize. The Commission is also satisfied that Bruce Power Inc., in carrying on 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 Bruce Power A Operating Licence and Bruce Power B Operating Licence issued to Bruce Power Inc. for its Nuclear Generating Stations Bruce A and Bruce B. The amended licences, PROL 15.15/2009 and PROL 16.16/2009, remain valid until March 31, 2009, unless suspended, amended, revoked or replaced.

9. The Commission includes in the amended licence the revisions as recommended by CNSC staff in CMD 08-H136.

Issues and Commission Findings

10. In making its licensing decision, the Commission considered a number of issues relating to Bruce Power Inc.'s qualification to carry out the proposed activities and the adequacy of the proposed measures for protecting the environment, the health and safety of persons, national security and international obligations to which Canada has agreed.

Qualifications and Protection Measures

11. CNSC staff has reviewed information in support of the application for amendments. The review of Part 1 and Part 2 of Bruce A and Bruce B Safety Reports found a minor discrepancy that was brought to the licensee's attention. However, based on this review, Part 1 and 2 of both Safety Reports are considered an adequate description of the facility and systems. Part 3 of both Safety Reports also represents a current safety analysis for the facility. In summary, Part 1, 2 and 3 of Bruce A and B Safety Reports meet their purpose.
12. CNSC staff recommended that the Commission approves the amendments.

Application of the *Canadian Environmental Assessment Act*

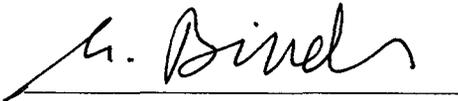
13. Before making a licensing decision, the Commission must be satisfied that all applicable requirements of the *Canadian Environmental Assessment Act*⁴ (CEAA) have been fulfilled.
14. CNSC staff reported that it had completed an Environmental Assessment (EA) determination. Since the proposed amendments are not for the purpose of enabling a project, CNSC staff stated that there was no requirement for an EA pursuant to subsection 5(1) of the CEAA.
15. The Commission is satisfied that all applicable requirements of the CEAA have been fulfilled.

Conclusion

16. The Commission has considered the information and submissions of Bruce Power and CNSC staff as presented in the material available for reference on the record.
17. The Commission is satisfied that the applicant meets the requirements of subsection 24(4) of the *Nuclear Safety and Control Act*. That is, the Commission is of the opinion that Bruce Power Inc. is qualified to carry on the activity that the amended licences will authorize and that it 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.

⁴ S.C. 1992, c. 37.

18. The Commission, pursuant to section 24 of the *Nuclear Safety and Control Act*, amends Bruce Power A Operating Licence and Bruce Power B Operating Licence. The amended licences, PROL 15.15/2009 and PROL 16.16/2009, remain valid until March 31, 2009, unless suspended, amended, revoked or replaced.
19. The Commission includes in the licence the recommendations made by CNSC staff in CMD 08-H136.



Michael Binder
President
Canadian Nuclear Safety Commission

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Date