

# Record of Proceedings, Including Reasons for Decision

In the Matter of

Applicant

Ontario Power Generation

Subject

Application to Amend the Power Reactor  
Operating Licence for the Darlington A Nuclear  
Generating Station in Clarington, Ontario

Hearing  
Date

July 24, 2009

## **RECORD OF PROCEEDINGS**

Applicant: Ontario Power Generation (OPG)

Address/Location: 700 University Avenue, Toronto, Ontario, M5G 1X6

Purpose: Application to Amend the Power Reactor Operating Licence for the Darlington A Nuclear Generating Station in Clarington, Ontario

Application received: March 9, 2009

Date of hearing: July 24, 2009

Location: Canadian Nuclear Safety Commission (CNSC), 280 Slater St., Ottawa, Ontario, K1P 5S9

Members present: M. Binder, Chair

Secretary: K. McGee  
Recording Secretary: P. Reinhardt

**Licence: Amended**

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## **Introduction**

1. Ontario Power Generation (OPG) has applied to the Canadian Nuclear Safety Commission<sup>1</sup> (CNSC) for an amendment to its Power Reactor Operating Licence (PROL) for the Darlington A Nuclear Generating Station in Clarington, Ontario. The current licence is PROL 13.04/2013.
2. The purpose of this request is to update Conditions 2.1 and 2.2 in Appendix B of the current licence to refer to Version 4 of the *Organizational Change Control* document (N-PROC-AS-0068) instead of referring to the former Version 3. The proposed changes are necessary to clarify accountabilities and requirements for organizational changes. This modification is considered administrative in nature and will not change the existing physical works or the physical activities at the licensed facility.

## Issue

3. In considering the application, the Commission was required to decide, pursuant to subsection 24(4) of the *Nuclear Safety and Control Act*<sup>2</sup>:
  - 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 hear this matter.
5. The Commission, in making its decision, considered information presented for a hearing held on July 24, 2009 in Ottawa, Ontario. During the hearing, the Commission considered written submissions from CNSC staff (CMD 09-H106) and OPG (CMD 09-H106.1).

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<sup>1</sup> 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.

<sup>2</sup> S.C. 1997, c. 9.

## **Decision**

6. Based on its consideration of the matter, as described in more detail in the following section of this Record of Proceedings, the Commission concludes that OPG is qualified to carry on the activity that the amended licence will authorize. Therefore,

the Commission, pursuant to section 24 of the *Nuclear Safety and Control Act*, amends OPG's Power Reactor Operating Licence (PROL) for the Darlington A Nuclear Generating Station in Clarington, Ontario. The amended licence, PROL 13.05/2013, remains valid until February 28, 2013.

7. The Commission includes in the licence the modifications as recommended by CNSC staff in CMD 09-H106.

## **Issues and Commission Findings**

8. In making its licensing decision, the Commission considered a number of issues related to OPG'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*

9. CNSC staff reviewed both Revision 3 and Revision 4 of the *Organizational Change Control* document (N-PROC-AS-0068) and agreed that Revision 4 does clarify the requirements and processes to address CNSC notifications and is therefore acceptable. CNSC staff confirmed that the change requested is administrative in nature and will not change the existing physical works or the physical activities at the licensed facility.
10. CNSC staff concluded that the requested modification will not impact on the protection of the environment, the health and safety of persons and the maintenance of national security.

### **Application of the *Canadian Environmental Assessment Act***

11. Before making a licensing decision, the Commission must be satisfied that all applicable requirements of the *Canadian Environmental Assessment Act*<sup>3</sup> (CEAA) have been fulfilled.

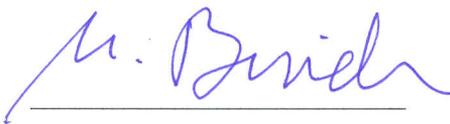
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<sup>3</sup> S.C. 1992, c. 37.

12. 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.
13. The Commission determined that there is no requirement for an Environmental Assessment pursuant to subsection 5(1) of the *Canadian Environmental Assessment Act*<sup>[3]</sup> (CEAA). The Commission is satisfied that all applicable requirements of the CEAA have been fulfilled.

### **Conclusion**

14. The Commission has considered the information and submissions of CNSC staff as presented in the material available for reference on the record.
15. The Commission is of the opinion 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 OPG is qualified to carry on the activity that the amended licence 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.
16. The Commission therefore amends, pursuant to section 24 of the *Nuclear Safety and Control Act*, amends the current Power Reactor Operating Licence (PROL) issued to OPG for the Darlington A Nuclear Generating Station as stated in paragraph 6 of this Record of Proceedings.
17. The Commission includes in the licence the recommendations made by CNSC staff in CMD 09-H106.



JUL 24 2009

Michael Binder  
President,  
Canadian Nuclear Safety Commission

Date

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