

April 18, 2002

Minutes of the Canadian Nuclear Safety Commission (CNSC) Meeting held Thursday, April 18, 2002, beginning at 4:25 p.m. in the Public Hearing Room, CNSC Offices, 280 Slater Street, Ottawa, Ontario.

Present:

Absent:

L.J. Keen, Chair

L.J. MacLachlan

C.R. Barnes

Y.M. Giroux

A.R. Graham (for items addressed in paragraphs 1-10 of these minutes only)

M.A. Leblanc, Secretary

B. Shaffer, Senior Counsel

C.N. Taylor, Recording Secretary

CNSC staff advisers were J. Blyth, S. Cook, B. Ecroyd, P.Eyre, M. Leblanc, C. Maloney, P. Nelson, B. Pearson and T. Viglasky.

Adoption of the Agenda

1. The agenda, CMD 02-M20.A was adopted as presented.

Chair and Secretary

2. The President took the Chair and the Secretary of the Commission acted as Secretary of the meeting with C.N. Taylor acting as recording secretary.

Constitution

3. With the notice of meeting having been properly given and a quorum of Members being present, the meeting was declared to be properly constituted.
4. Since the meeting of the CNSC held March 1, 2002, Commission Member Documents CMD 02-M19 to CMD 02-M28 had been distributed to Members. These documents are further detailed in Annex A of these minutes.

Minutes of the CNSC Meeting Held March 1, 2002

5. The Members had approved the minutes of the March 1, 2002 meeting of the Commission (reference CMD 02-M21 and CMD 02-M21.A) at a special meeting of the Commission held on April 2, 2002 for the sole purpose of approving the minutes of March 1, 2002. These minutes were added to the agenda for information

purposes only.

Significant Development Report

6. Members reviewed Significant Development Report no.2002-3 (reference CMD 02-M22 and CMD 02-M22.A) for the period of February 13 to April 11, 2002.
7. With reference to CMD 02-M22.A, CNSC staff provided an update on the 13 charges laid in December 1999 against Atomic Energy of Canada Limited (AECL) after four workers at the Chalk River Site received, on May 26, 1999, an uptake of airborne particles contaminated with plutonium and other radionuclides during work in Building 220. Staff reported that, on April 8, 2002, AECL pleaded guilty to a total of six charges (three each laid by the former AECB and Human Resources Development Canada); the remaining charges were dropped. A fine of \$4,000 per count was imposed on AECL.
8. With reference to the Significant Development concerning AECL's proposed project to decommission its Whiteshell Laboratories in Manitoba, staff advised the Commission that the federal Minister of the Environment has concluded that the project is not likely to cause significant adverse environmental effects and no further environmental assessment by a review panel or mediation is warranted. A formal decommissioning licence application by AECL is expected in May 2002.

Decision Item - Extension of exemptions related to subsections 15(7) and 18(1) of the *Packaging and Transport of Nuclear Substances Regulations*

9. With reference to CMD 02-M23, CNSC staff explained that in accordance with the CNSC's Regulatory Transition Plan (approved by the Commission on May 31, 2000 and subsequently amended from time to time), carriers of radioactive material are currently exempt from subsections 15(7) and 18(1) of the *Packaging and Transport of Nuclear Substances Regulations*. Staff is requesting an extension of the exemption to May 31, 2004. Staff explained that a two-year extension is needed to complete the study on exposures to workers, to develop guidance information and to allow licensees to develop the required programs necessary to meet CNSC compliance and regulatory requirements.
10. The Members expressed concern about the length of time between the enactment of the *Nuclear Safety and Control Act* and the

proposed application of the regulations. Staff explained that the delays have, in part, been due to competing resources for research funds and delays in the completion of related international guidance from the International Atomic Energy Agency. Staff is of the opinion that, based on the results of initial studies, the delays do not pose an unreasonable risk to the environment, or the health and safety of persons. When asked by the Members about the possibility of further delays, staff expressed its commitment to resolving the matter by the proposed expiry of the exemption on May 31, 2004.

11. Commission Member A. Graham excused himself from the meeting at the conclusion of the public portion of the meeting on the items addressed in paragraphs 1-10 above. He did not participate in the decision on the proposed exemption. Mr. Graham was absent for the balance of the meeting.
12. Based on the information presented by CNSC staff at the meeting, and following the in-camera deliberations at the end of the meeting, the Commission granted the proposed exemption as specified in Annex B to these minutes.
13. The Commission requests that staff present, at a meeting of the Commission in one year's time (i.e., in approximately June 2003), a status report on the progress.

DECISION

ACTION

Status Report on Power Reactors

14. Staff presented the Status Report on Power Reactors (CMD 02-M24), and an update on changes in the operational status of some reactors that have occurred since the publication of CMD 02-M24. With respect to those recent changes, staff noted that Gentilly-2 and Darlington Unit 3 were shut down for their annual outage; and Pickering B, Unit 5 has returned to service. All Pickering B units are operating at full power.
15. Responding to Members' questions on the restart of Pickering A and the reasons for the delays, Ontario Power Generation (OPG) indicated that the project's schedules will be discussed with its Board of Directors in early May and subsequent information will be provided to the CNSC staff.
16. In regard to the restructuring at Ontario Power Generation Nuclear, staff reported that it has completed a review of recent information submitted by OPG. The new information describes which functions will be affected by the restructuring, and steps taken by

OPG to ensure regulatory obligations and commitments are met. Staff anticipates that it will complete its review and be ready to report back to the Commission in possibly two months.

Mid-term Report on Performance of the Darlington Nuclear Generating Station

17. With reference to CMD 02-M25, staff rated the station performance. Results of staff's inspections, audits and evaluations revealed that of ten safety areas, six maintained an "acceptable" rating and four received a "conditionally acceptable" rating. Overall, none were rated "unacceptable" and improvements have been noted in most safety areas.
18. Staff reported that OPG continues to experience a number of minor radiation protection non-compliances. With further access controls in place, staff anticipates improvement in this area. None of the recorded incidents led to a significant exposure of workers or the public and the overall performance remains acceptable.
19. Staff reported that a safety area which has not seen an overall improvement is *operating performance*. Two reportable events related to operating performance included: 1) a loss of pressure control event in November 2001; and 2) a "working on wrong unit event" during a shutdown for a maintenance outage in 2001. The two events identified weaknesses in OPG's Components & Equipment Engineering Program and Human Factors Program at Darlington respectively. In both instances, staff is monitoring corrective actions being implemented by OPG. In response to questions from the Members on the "working on wrong unit event", OPG confirmed that a combination of human performance, performance management and procedural issues were associated with the incident and that appropriate disciplinary actions were taken with the individuals responsible.
20. Staff informed the Commission about a number of steam protection doors incidents identified during CNSC inspections. Measures are being taken to ensure OPG staff understands the importance of keeping the steam doors closed at all times. Staff also reported that several steam door modifications had been made without CNSC concurrence and that follow-up corrective actions are being taken to ensure the doors will still perform as required. OPG indicated that it is reviewing its procedures in this area to ensure CNSC is notified as appropriate.

21. In response to a question from the Members on the reactor physics computer code regarding a large loss of coolant accident, staff confirmed that this is being addressed at Darlington, as well as at the other CANDU sites to compensate for some of the lost safety margin.

Status Report on Atomic Energy of Canada Limited: Approval to Restart Commissioning of the MAPLE 1 and 2 Reactors

22. Members received for information, and discussed with CNSC staff and Atomic Energy of Canada Limited (AECL), the second status report on remaining prerequisites to the CNSC staff's approval to resume commissioning activities at MAPLE 1 and the start of fuel loading into MAPLE 2 (CMD 02-M26).
23. Staff highlighted areas where significant progress have been made since the first status report presented at the Commission meeting on March 1, 2002. On the matter of the Foreign Material Exclusion Program, staff reported that AECL has addressed all CNSC staff comments on the earlier submission of AECL's Foreign Material Exclusion Program Manual. AECL plans to have the program in effect by April 30, 2002.
24. With regards to the shut-off rods failure to poise, staff provided an update to AECL's investigation. The report is currently under review by CNSC staff. Also, staff reported on a new problem related to a loss of hydraulic pressure in one of the shut-off rods caused by a piston becoming detached from the piston rod. AECL explained that the fault was found to be a deformed washer which was replaced and the test continued without further incident.
25. Staff concluded that AECL has made good progress towards resolving the remaining issues. The delays in resolving several issues have been due to continued problems with in-reactor testing of shut-off rods.
26. Staff will provide a further update on the status of the remaining prerequisites at the next Commission meeting on May 22, 2002.

ACTION

Status Report on Atomic Energy of Canada Limited: Approval to Commence Active Commissioning of the New Processing Facility

27. CMD 02-M27 was submitted for information. CNSC staff identified changes in the status of prerequisites for AECL to obtain approval to commence active commissioning of the New Processing Facility. Staff reported that AECL continues to make

good progress in addressing the prerequisites. Staff noted that it recently undertook a follow-up visit to confirm the completion and effectiveness of actions taken in response to the Quality Assurance audit.

28. The findings of the above noted follow-up visit, and progress on the other remaining prerequisites, will be presented to the Commission at the next Commission meeting scheduled for May 22, 2002.

ACTION

Decision Item - Designated Officers

29. Members received for consideration a request from the Commission Secretary to approve the revised Designated Officers List previously approved by the Commission on May 31, 2000 pursuant to section 37 of the *Nuclear Safety and Control Act*. The Secretary explained that the revised Designated Officers List attached to CMD 02-M28 reflects organizational changes at the CNSC and are non-substantive as the level and scope of authorization have not been augmented.
30. Following the in-camera deliberations at the end of the meeting, the Commission approved the designations as described in CMD 02-M28, subject to a minor correction in wording. The decision is documented in Annex C to these minutes. Commission Member A. Graham was not present for the presentation of this item and did not participate in the decision.

DECISION

Closing of Public Meeting

31. The public portion of the meeting closed at 5:30 p.m. April 18, 2002 and the meeting continued in-camera for the purpose of making the decisions indicated above.

Chair

Recording Secretary

Secretary

ANNEX A

CMD	DATE	File No
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02-M19	2002-03-11	(1-3-1-5)
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Notice of Meeting

02-M20	2002-04-03	(1-3-1-5)
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Agenda of the meeting of the Canadian Nuclear Safety Commission to be held in the Public Hearing Room, 14th floor, 280 Slater Street, Ottawa, Ontario, Thursday, April 18, 2002. The meeting will begin after the closing of the Public Hearings which are scheduled for that day.

02-M20.A	2002-04-17	(1-3-1-5)
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Update - Agenda of the meeting of the Canadian Nuclear Safety Commission to be held in the Public Hearing Room, 14th floor, 280 Slater Street, Ottawa, Ontario, Thursday, April 18, 2002. The meeting will begin after the closing of the Public Hearings which are scheduled for that day.

02-M21	2002-04-03	(1-3-1-5)
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Minutes of the Meeting of the Canadian Nuclear Safety Commission held March 1, 2002

02-M21.A	2002-04-15	(1-3-1-5)
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Errata - Minutes of the Meeting of the Canadian Nuclear Safety Commission held March 1, 2002

02-M22	2002-04-02	(1-3-1-5)
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Significant Development Report no. 2002-3

02-M22.A	2002-04-11	(1-3-1-5)
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Significant Development Report no. 2002-3 - Supplementary Information

02-M23	2002-04-02	(30-1-0)
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Extension of exemptions related to subsections 15(7) and 18(1) of the Packaging and Transport of Nuclear Substances Regulations

02-M24	2002-04-02	(1-3-1-5)
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Status Report on Power Reactors

02-M25 2002-03-28 (26-1-0-0-0)

Mid-Term Report on Performance of the Darlington Nuclear Generating Station

02-M26 2002-04-02 (26-1-62-0-0)

Status Report on Atomic Energy of Canada Limited : Approval to Restart Commissioning of the MAPLE 1 and 2 Reactors

02-M27 2002-04-02 (24-1-3-0)

Status Report on Atomic Energy of Canada Limited : Approval to Commence Active Commissioning of the New Processing Facility

02-M28 2002-04-12 (1-3-1-5)

Designated Officers

ANNEX B

Canadian Nuclear Safety Commission

**April 18, 2002
MEETING**

Agenda item 5.1 CMD 02-M23

(Exemption from Packaging and Transport of Nuclear Substances Regulations)

The Commission, pursuant to section 7 of the *Nuclear Safety and Control Act*, exempts carriers of radioactive materials from the application of subsections 15(7) and 18(1) of the *Packaging and Transport of Nuclear Substances Regulations*.

The exemption is valid for a period of 24 months, from June 1, 2002 until May 31, 2004.

The CNSC Transition Plan (CMD 00-M19) is hereby amended to incorporate the above exemption.

The Commission requests CNSC staff to provide a status report to the Commission on the exemption in approximately one year (June 2003).

ANNEX C

Canadian Nuclear Safety Commission

**April 18, 2002
MEETING**

Agenda item 5.2 CMD 02-M28
(Designated Officers)

The Canadian Nuclear Safety Commission, pursuant to section 37 of the *Nuclear Safety and Control Act*, designates members of the CNSC staff as designated officers, with the authority to carry out functions, as set out in CMD 02-M28, modified as follows:

- reference in CMD 02-M28 to the “Uranium and Contaminated Lands Division” is corrected to “Uranium Mines and Lands Evaluation Division”.

The Canadian Nuclear Safety Commission, pursuant to section 37 of the *Nuclear Safety and Control Act*, revokes the designations of authorities previously made by the Commission on May 31, 2000, as set out in CMD 00-M17.