

# Record of Proceedings, Including Reasons for Decision

In the Matter of

Applicant Ontario Power Generation Inc.

Subject Application for the Renewal of Class 1B Waste  
Facility Operating Licence for the Pickering  
Waste Management Facility

Hearing Date(s) December 5, 2007  
February 20, 2008

**RECORD OF PROCEEDINGS**

Applicant: Ontario Power Generation Inc.

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

Purpose: Application for the Renewal of Class 1B Waste Facility Operating Licence for the Pickering Waste Management Facility

Application received: June 28, 2007

Date(s) of hearing: December 5, 2007 and February 20, 2008

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

Members present: L.J. Keen, Chair for Day One, absent for Day Two  
A.R. Graham, Chair for Day Two  
A. Harvey

Secretary: M.A. Leblanc  
Recording Secretary: S. Gingras  
General Counsel: S. Maislin Dickson

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<b>Intervenors</b>	
<b>See Appendix A</b>	

**Licence:** Renewed  
**Date of Release of Decision:** March 26, 2008

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## **Introduction**

1. Ontario Power Generation Inc. (OPG) has applied to the Canadian Nuclear Safety Commission (the Commission<sup>1</sup>) for the renewal of the Class 1B Waste Facility Operating Licence for its Pickering Waste Management Facility (PWMF) in Pickering, Ontario. The current operating licence WFOL-W4-350.02/2008 expires on March 31, 2008. OPG has applied for the renewal of this licence for a period of ten years.
2. The PWMF is located within the protected area of the Pickering Nuclear Generating Station (NGS) on the shores of Lake Ontario, within the City of Pickering and the Regional Municipality of Durham.
3. The proposed activities include: the continued storage of retube components in dry storage modules (DSM); the processing and storage of Dry Storage Containers (DSCs) containing category II nuclear material, i.e. used fuel from the Pickering NGS; and the construction of Phase II DSC storage buildings # 3 and 4. OPG has also requested authorization to operate the Phase II area and DSC storage building # 3 once its construction is completed.

## Issue

4. 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 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.

## Public Hearing

5. The Commission, in making its decision, considered information presented for a public hearing held on December 5, 2007 and February 20, 2008 in Ottawa, Ontario. The public hearing was conducted in accordance with the *Canadian Nuclear Safety Commission Rules of Procedure*<sup>3</sup>. During the public hearing, the Commission received written submissions and heard oral presentations from CNSC staff (CMD 07-H25 and CMD 07-H25.A) and OPG (CMD 07-H25.1 and CMD 07-H25.1A). The Commission also considered written submissions from intervenors (see Appendix A for a detailed list of interventions).

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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.

<sup>3</sup> S.O.R./2000-211.

## Decision

6. 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 is qualified to carry on the activity that the licence will authorize. The Commission is also satisfied that OPG, 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*, renews a Waste Facility Operating Licence to OPG for the Pickering Waste Management Facility. The licence, WFOL-W4-350.00/2018, is valid from April 1, 2008 to March 31, 2018 unless suspended, amended, revoked or replaced.

7. The Commission includes in the licence the conditions as recommended by CNSC staff in CMD 07-H25.A, with the following changes:

Licence condition 2.2 is replaced with the following:

- 2.2 The licensee shall not carry out the activities referred to paragraphs a), b), and c) of Part IV related to the completed construction activities in paragraph d) of Part IV until the submission of a commissioning report that is acceptable to a person authorized by the Commission.

Licence condition 9.1 is replaced with the following:

- 9.1 The licensee shall, within 90 days of the end of each quarter of a calendar year, submit to the Commission a written report on the activities at the facility for that quarter, containing the following information:
- a) the principal licensed activities completed;
  - b) the results of the monitoring programs described in the documents listed in Appendix B and any approved modifications pursuant to condition 4 of this licence;
  - c) a summary description of events reported to the Commission pursuant to sections 29 and 30 of the *General Nuclear Safety and Control Regulations*; and
  - d) a summary description of any changes in the methods, procedures and equipment used to carry-out the licensed activities, and any modifications made to the facility.

8. The Commission requests that CNSC staff prepare interim status reports following the third and seventh year of the proposed licence. CNSC staff's interim status reports shall be presented at a public proceeding of the Commission (in approximately June 2011 and June 2015) and will provide a summary of the performance of the licensee and facility.

## **Issues and Commission Findings**

### **Radiation Protection**

9. As part of its assessment of the adequacy of provisions for protecting the health and safety of persons at the PWMF, the Commission considered the past performance and future plans of OPG in the area of radiation protection.
10. OPG reported that radiation hazards are controlled by the design and operation of the storage structures and associated equipment. OPG added that all occupational doses are recorded, tracked and reviewed to identify trends, and that radiation doses to the PWMF workers have remained As Low As Reasonably Achievable (ALARA) and well below regulatory limits for the current licence period. CNSC staff concurred with OPG. OPG also noted that there were no loose contamination events during the current licensing period. CNSC staff indicated that there were three incidents relating to radiation protection, and that OPG appropriately responded to them. CNSC staff added that none of these incidents resulted in any radiation dose to workers or indicated significant problems with the radiation program or procedures.
11. CNSC staff confirmed that radiological risks result from radiological hazards associated with the on-site transfer, processing and storage of DSCs loaded with used fuel and the storage of retube component waste. CNSC staff considers that there is little to no potential for internal exposure, and that workers are exposed to limited gamma radiation fields. CNSC staff did not observe any non-compliance with radiation protection requirements during inspections. CNSC staff added that the risks to persons and the environment from normal and postulated abnormal and accident conditions are minimal.
12. OPG reported that action levels, approved by CNSC staff, are in place at the PWMF and have never been exceeded. CNSC staff noted that an updated ALARA assessment for the PWMF was submitted by OPG and found acceptable by CNSC staff. CNSC staff added that it performed in August 2006 a Type 1 review of the radiation protection program used by OPG at its waste management facilities, and that it concluded that the program met requirements. CNSC staff noted that it identified a minor deficiency with target levels in the ALARA program which OPG addressed.

13. The Commission asked for reasons why an upward trend is noticed at several locations where dose rates at the perimeter of the PWSMF are measured. OPG responded that more containers have been put into storage (approximately fifty additional containers per year), and that most of the containers are now in a building closer to the locations where dose rates are measured.

*Conclusion on Radiation Protection*

14. The Commission concludes that the operation of the facility during the licence term has not posed an unreasonable radiation risk to workers or the public. The Commission is of the view that the operation of the facility with full implementation of the radiation protection program will not pose an unreasonable radiation risk to the health and safety of persons or the environment.
15. The Commission is of the opinion that OPG will make adequate provisions for the protection of workers against radiation during the operation of the PWSMF.

**Conventional Health and Safety**

16. With respect to the protection of persons from conventional (non-radiological) hazards at the facility, OPG reported that the PWSMF has not had a lost time accident in over thirteen years. CNSC staff concurred with OPG. OPG added that the storage, use and disposal of hazardous materials are controlled, and that the Material Safety Data Sheets are readily available to the employees. OPG considers that the handling of hazardous materials meets provincial legislation.
17. OPG indicated that the Pickering Nuclear Generating Station has a joint health and safety committee, which also serves staff at the PWSMF. CNSC staff concurred with OPG.
18. CNSC staff explained that it does not perform specific inspections regarding health and safety at the facility, but that it makes observations on health and safety practices during regular inspections. CNSC staff indicated that no observations of concern were noted in this area.
19. CNSC staff reported that risks from conventional hazards at the PWSMF are associated with the control and safe handling of hazardous materials and DSCs, as well as the use of conventional x-ray equipment. CNSC staff added that the Ontario Ministry of Labour confirmed that the x-ray operation at the DSC building is conducted under a certificate of approval issued by this Ministry, and that no stop work orders have been issued.

20. OPG indicated that one incident occurred involving the x-ray radiography area, where one worker received a radiation dose of several  $\mu\text{Sv}$ . CNSC staff reported that the Ministry of Labour approved the improvements made to procedures that were suggested by OPG, and that CNSC staff has confirmed the implementation of these improvements with PWMF staff.
21. The Commission enquired on the methods used by the workers to address the safety expectations of OPG and the CNSC. OPG responded that there are quarterly safety meetings at the PWMF four times per year, with discussions on how to improve safety. OPG considers that workers at the facility have an excellent attitude towards safety.
22. In its intervention, the Power Workers Union (PWU) expressed the view that the PWMF is operated in a safe manner, and that if there were issues that could affect worker safety or the environment, representatives from this union would address them immediately. This intervenor added that the PWMF is inspected on a regular basis by the PWU members of the Pickering site Joint Health and Safety Committee, and that workers are regularly consulted on issues related to health and safety.
23. Based on this information, the Commission is of the opinion that OPG has made, and will continue to make, adequate provision for the protection of persons from conventional (non-radiological) hazards at the PWMF.

### **Environmental Protection**

24. To determine whether OPG will make adequate provisions to protect the environment while carrying on the proposed activities at its waste management facility at the Pickering site, the Commission considered the potential for the operation to adversely affect the environment.
25. OPG reported that environmental risks associated with the CNSC licensed activities at the PWMF are releases associated with the handling, processing and interim storage of DSCs, as well as the interim storage of DSMs. CNSC staff also indicated that there are emission control systems on the DSC processing building ventilation.
26. OPG noted that all emissions and dose levels were well below the regulatory limits for the public during the current licence period. OPG added that from March 2003 to date, the quarterly average dose rate has been consistently below the compliance limit at the yard fence and the Used Fuel Dry Storage (UFDS), and that radioactivity in airborne and waterborne emissions from the PWMF has been consistently low. OPG also indicated that liquid effluent from the Retube Components Storage (RCS) yard drainage has routinely had less than the minimum detectable activity. CNSC staff concurred with OPG, and noted that no action levels had been reached or exceeded.



27. The Commission asked for more information on the liquid effluent entering the active sewage system. OPG responded that this system was installed as a precautionary measure, and that the liquid waste is monitored for both chemical and radiological parameters and sent to the Pickering NGS's active liquid waste system.
28. The Commission sought information on the existence of monitoring wells around the facility to analyze potential liquid runoffs. OPG responded that there are no such wells installed since there is no potential for leakage from the facility.
29. OPG reported that the PWMF has an extensive contamination/radiation monitoring program in place, as described in the safety report. CNSC staff noted that it considers the radiological monitoring program to be acceptable, and that compliance verification activities did not identify any issues with the implementation of the controls and programs for radiological and non-radiological releases.

#### *Non-Radiological Releases*

30. OPG reported that there have been no reportable spills, no orders from the Ontario Ministry of the Environment (MOE) and no charges or convictions under the environmental legislation. CNSC staff also indicated that it reviews, as necessary, the results of non-radiological monitoring to ensure that the licensee is protecting the environment, and that OPG is required to comply with the Certificates of Approval issued by the Ontario MOE for non-radiological emissions and water released from the Pickering site.

#### *Conclusion on Environmental Protection*

31. The Commission is of the view that the continued operation of the facility with the safety programs in place will not pose an unreasonable risk to health and safety of persons or the environment. The Commission is also of the opinion that OPG will make adequate provisions for the protection of the environment at the PWMF.

#### **Operational Compliance and Unplanned Events**

32. The Commission considered OPG's past operating performance as an indication of its qualifications to operate its facility and, in doing so, to provide adequate protection for the environment, persons, and the maintenance of national security and measures required to implement international obligations to which Canada has agreed.
33. OPG reported that there have been no violations of the Operating Policies and Procedures (OP&P) during the current licence period. CNSC staff reported that OPG provided an updated safety analysis report with their request for renewal. CNSC staff also reported that inspections confirmed the establishment of programs, procedures and job task system for the operations, as well as regular maintenance equipment. CNSC

staff added that inspections and audits performed during the current licensing period identified only minor deficiencies that did not pose an unreasonable risk to the health and safety of persons, to the environment, or to security and the international obligations to which Canada has agreed.

34. OPG explained that the condition of the containers is assessed through periodic visual and instrument-aided inspections to identify potential for degradation, and that the results of these inspections indicate no significant damage. In response to comments requested from the Commission on the possible use by OPG of ultrasonic technology to replace the radiography for the lid to base well, OPG indicated that it submitted a proposal in that regard and that it met with CNSC staff to discuss the topic. CNSC staff noted that OPG was waiting for its comments on the draft minutes from the meeting and that the next step would be the development of a qualification program. CNSC staff added that it was reviewing the proposed changes to the inspection program and that it will be continuing to communicate with OPG on the issue.
35. The Commission enquired on the possible use of x-ray to assess any deterioration in the concrete. OPG responded that, while this is not one of the activities done as part of the ageing management program, other aspects of the container are examined, such as the exterior coating of the container that protects from corrosion. CNSC staff commented that it is satisfied with the ageing management program as it stands. CNSC staff added that it keeps aware of other work in this area that OPG is doing for the longer term, and that it will consider whether other aspects of the container need to be brought forward for more active monitoring as the facility ages.
36. OPG reported that its ageing management program provides timely detection of deterioration that may affect the DSCs or DSMs. The Commission asked for more information on this program. OPG explained that there are a number of detailed inspections performed by personnel without moving the containers, looking for signs of exposure to water, which is a significant factor for the deterioration of containers. OPG added that a number of containers are also retrieved on a regular basis for more detailed inspections. Reports on this topic are submitted to CNSC staff every second year. OPG indicated that another program is in place which examines the ageing of the whole facility: a system engineer monitors the integrity of the facility on an ongoing basis and provides an indication of the health of the system.
37. CNSC staff confirmed that it receives reports on the deterioration of containers every second year and that it agrees with the ageing management process in place. CNSC staff noted that it performs compliance inspections to ensure that the facility is operated in a safe manner and to ensure that OPG is implementing their maintenance and monitoring program.
38. The Commission enquired about any leaching of concern originating from cracks in the concrete floors. OPG responded that there are some minor cracking in the concrete floors and that a program was implemented to monitor them, but that they are not currently a cause for concern.

39. In response to a question from the Commission on changes made to the OPG organizational chart, OPG explained that changes were made to regroup activities according to business lines instead of geographical lines, which provides better opportunities for exchange of information across geographical boundaries. CNSC staff concurred with OPG.
40. The Commission asked for comments on continuous improvement at the PWSMF. OPG responded that it considers this topic to be important and that OPG staff is continuously evaluating the design and activities in the industry, as well as possible changes to the design of the containers.

*Significant Events / Incidents*

41. OPG indicated that, during the current licence period, an incident involving the loss of bulk electrical system occurred. CNSC staff explained that three other incidents relating to operations also occurred, which OPG adequately addressed. CNSC staff stated that there were no releases or radiation exposures related to the incidents, and that the incidents do not indicate deterioration in the licensee's programs, controls, implementation or performance.

*Construction of the Phase II Storage Building #3*

42. CNSC staff reported that it inspected the aspects of the construction of the Phase II storage Building #3, confirming the conformance with the information submitted by OPG. CNSC staff added that it examined the environmental management plan and the health and safety plan, and that it considers that these plans are properly employed to mitigate the potential impacts of construction that were identified in the environmental assessment. CNSC staff also indicated that the follow-up program associated with the construction was being implemented to confirm the predictions of the environmental assessment that the impacts of the project, with appropriate mitigation measures, are not significant.
43. CNSC staff proposed licence condition 2.2, which states that the operation of the structure would only begin once a commissioning report, acceptable to the Commission or a person authorized by the Commission, is submitted by OPG. CNSC staff proposes the delegation of the authority to CNSC staff to accept the commissioning report.
44. The Commission delegates to the Director General, CNSC Directorate of Nuclear Cycle and Facilities Regulation, the authority to accept the commissioning report related to the construction of the Phase II Storage Building #3.

### *Conclusion on Operational Compliance and Unplanned Events*

45. Based on the information received, the Commission concludes that OPG's past performance at the PWMF provides a positive indication of OPG's ability to adequately carry on the activities under the proposed licence period, and that OPG has in place the necessary programs to assure continued acceptable performance at the facility.
46. The Commission delegates to the Director General, CNSC Directorate of Nuclear Cycle and Facilities Regulation, the authority to accept the Commissioning Report, in accordance with licence condition 2.2. The Commission requests CNSC staff to report on the acceptance of this Commissioning Report in a public proceeding of the Commission.

### **Emergency Preparedness and Fire Protection**

#### *Emergency Preparedness*

47. With regards to emergency preparedness, OPG reported that response to emergencies is covered by an integrated emergency response program between the PWMF and the Pickering NGS. CNSC staff concurred with OPG. OPG added that emergency procedures are in place and that personnel are trained to protect themselves in the event of an emergency originating at the NGS. OPG also indicated that the municipality of Clarington is the primary responder for all buildings outside the Pickering NGS protected area, such as the PWMF Phase II storage buildings.
48. CNSC staff indicated that it completed an inspection of emergency preparedness at the Pickering B NGS in September 2006, and that it considers that OPG demonstrated its ability to effectively respond to and manage an emergency.

#### *Fire Protection*

49. With regards to fire protection, CNSC staff reported that OPG committed to meet the 2005 revisions of the *National Building Code of Canada*<sup>4</sup> and the *National Fire Code of Canada*<sup>5</sup>, and that the proposed licence includes reference to the 2005 version of these codes. CNSC staff indicated that OPG has had the required third party reviews of their compliance with the requirements of the *National Fire Code of Canada* conducted, and that it submitted the results of these reviews to CNSC staff.

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<sup>4</sup> *National Building Code of Canada, 2005*, issued by the Canadian Commission on Building and Fire Codes, National Research Council of Canada, dated 1995, as amended from time to time.

<sup>5</sup> *National Fire Code of Canada, 2005*, prepared under the auspices of the Canadian Commission on Building and Fire Codes and published by the National Research Council of Canada.

50. CNSC staff reported that, during routine compliance inspections, it verified that fire protection equipments are in place and inspected. CNSC staff also reported verifying that controls are in place to ensure that OPG staff is tasked with the required inspection activities at the required frequencies.
51. CNSC staff indicated that OPG has requested a change to the frequency of the third party review on fire protection to once every three years instead of once per year. CNSC staff stated that it agreed with the request.
52. The Commission asked for reasons why this request should be accepted. OPG responded that the PWSMF is storing dry storage containers which are not combustible, which makes the combustible loading much less important than the Western Waste Management Facility. OPG added that the third party evaluator regularly notes that no improvements are needed to the fire protection program. CNSC staff concurred with OPG, and noted that the scope of the evaluation was also expanded to include operational and some design elements. In response to further questioning from the Commission on actions taken after CNSC staff receives a report made by the third party evaluator, CNSC staff explained that it follows up with any issues raised in the report, verifies if the third party reviewer is qualified, and that CNSC staff would perform its own audit if issues with this reviewer were discovered.
53. Based on the above information, the Commission considers the measures set out as constituting adequate provision to protect the health and safety of persons, national security or the environment. The Commission is also satisfied that facility operations with the fire protection measures in place will not pose an unreasonable risk to the health and safety of persons or the environment.
54. The Commission agrees with OPG's request for a triennial third party review on fire protection.

### **Quality Management**

55. With regards to quality management at the PWSMF, OPG reported that program activities and performance measures for occupational health and safety have been developed based on the requirements of Det Norske Veritas (DNV) International Safety Rating System (ISRS). CNSC further reported that an environmental management system (EMS) has been implemented at the PWSMF site, based on the ISO 14001:2004 standard and CNSC Regulatory Document S-296, *Environmental Protection Policies, Program and Procedures at Class I Nuclear Facilities and Uranium Mines and Mills*. CNSC staff concurred with OPG, and indicated that OPG has confirmed that the most recent audits conducted by DNV have verified OPG's rating and certification for the ISRS and the ISO standard.
56. OPG indicated that, in September 2006, a CNSC assessment of the adequacy and effectiveness of the managed processes concluded that the EMS being applied at the PWSMF meets expectations. CNSC staff concurred with OPG.

57. CNSC staff reported that an audit of the Management Program for OPG's waste management facilities was conducted during the current licence period, and that no directives and action notices were issued. CNSC staff is of the opinion that OPG has implemented the processes needed to comply with the CAN/CSA QA standard N286.0/92.
58. Based on the above information, the Commission considers the measures set out by OPG as constituting adequate provisions regarding quality management at the PWMF.

### **Public Information Program**

59. With respect to public information activities, OPG reported that it has a program in place to provide an effective method of communication external to the organization. OPG added that the purpose of the program is to maintain very positive community relationships and to build community awareness, understanding and support for OPG.
60. OPG indicated that key public information activities have included participation to committees, festivals and events, articles in the Pickering Neighbors Newsletter, facility tours, and a website. OPG also noted that any question raised by members of the community is documented and tracked until a response has been provided, and that no significant concerns or issues have been raised by neighboring communities since the facility became operational. CNSC staff concurred with OPG, and stated that OPG's public information program and its implementation are acceptable.
61. In its intervention, the Community Advisory Council expressed the view that communication with OPG is very open and effective, including dialogue around waste issues. This intervenor also noted that its members participated in a tour of the Pickering site in November 2007 and found it informative, reassuring and enjoyable. Another intervenor, the Durham Nuclear Health Committee, reported that OPG consistently provided them with a responsive team of knowledgeable personnel to help understand the need for additional fuel dry storage and the related environmental health issues.
62. Based on the information presented above, the Commission is of the view that OPG's public information program is acceptable and will continue to be acceptable.

### **Non-Proliferation and Safeguards**

63. The CNSC's regulatory mandate includes ensuring conformity with measures required to implement Canada's international obligations under the Treaty on the Non-Proliferation of Nuclear Weapons. Pursuant to the Treaty, Canada has entered into safeguards agreements with the IAEA. The objective of these agreements is for the IAEA to provide credible assurance on an annual basis to Canada and to the international community that all declared nuclear material is in peaceful, non-explosive uses and that there is no undeclared nuclear material or activities in this country.

64. OPG reported that CNSC staff and the IAEA have performed compliance inspection activities of the PWMF safeguards program, which have not resulted in adverse findings. CNSC staff concurred with OPG. CNSC staff reported that, during the current licensing period, OPG provided to CNSC staff all the reports and information necessary for safeguards on a timely basis, and that OPG has complied fully with the IAEA and the CNSC's requests. CNSC staff stated that nothing associated with the PWMF licence renewal would impair Canada's continuing ability to meet its international obligations.
65. CNSC staff noted that the proposed operating licence does not authorize the import or export of nuclear substances, equipment and information.
66. In response to comments requested by the Commission on the process of integrated safeguards for the facility, CNSC staff expressed its confidence that the safeguards regime would essentially continue at this facility, and that it did not anticipate any major difficulties in the implementation of integrated safeguards.
67. Based on the above information the Commission is of the view that OPG has made and will continue to make adequate provision for the maintenance of national security and the measures required to implement international obligations to which Canada has agreed.

#### **Decommissioning Plans and Financial Guarantee**

68. OPG reported that, in April 2007, it prepared and filed with the CNSC a Preliminary Decommissioning Plan (PDP) for the PWMF in accordance with Regulatory Guide G-219, *Decommissioning Planning for Licensed Activities*. OPG added that it has provided the CNSC with an annual report on the status of the financial guarantee for all Class I facilities owned by OPG. CNSC staff concurred with OPG, and stated that it considers the PDP and the financial guarantee cost estimates to be acceptable.
69. Based on the information provided during this hearing, the Commission concludes that the existing decommissioning financial guarantee for the PWMF is acceptable for the purpose of the current application for licence renewal.

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

70. Before making a licensing decision, the Commission must be satisfied that all applicable requirements of the *Canadian Environmental Assessment Act*<sup>6</sup> (CEAA) have been fulfilled.

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<sup>6</sup> S.C. 1992, c. 37.

71. CNSC staff reported that the licence renewal would be made under the authority of Subsection 24(2) of the NSCA, in respect of a renewal. The renewal of an operating licence, under that provision, is not included in the *Law List Regulations* made pursuant to Paragraph 59(f) and is not a 'trigger' pursuant to Subsection 5(1) of the *Canadian Environmental Assessment Act* (CEAA). However, CNSC staff determined that, since the current proposal involves changes to licence activities, it is considered an amendment and therefore, there is a trigger according to the above mentioned subsection.
72. CNSC staff determined that an environmental assessment in the form of a Screening Report was appropriate in this case. A Screening Report was presented to the Commission on April 28, 2004, and the Commission concluded that the Phase II of the project at the PWMF could proceed with consideration of a licence application. CNSC staff considers that no further action is required on this topic.
73. Based upon the above assessment, the Commission is satisfied that all requirements of the CEAA have been fulfilled for OPG's application for the renewal of the operating licence at the PWMF.

#### **Licence Length and Interim Reporting**

74. OPG requested a ten-year licence. CNSC staff, after assessing the request using criteria described in CMD 02-M12, *New Staff Approach to Recommended Licensing Periods*, agreed with the request.
75. CNSC staff also proposed interim reports on the performance of the facility at the third and seventh year of the proposed ten-year licence.
76. Based on the information presented during the course of this hearing, the Commission is satisfied that a ten-year licence with two interim reports on the performance of the facility is appropriate.
77. The Commission notes that it will also be provided with relevant information and updates regarding this facility should there be a significant event regarding the PWMF or a licence amendment request from OPG.

#### **Conclusion**

78. The Commission has considered the information and submissions of Commission staff, the applicant and all participants as set out in the material available for reference on the record, as well as the oral and written submissions provided or made by the participants at the hearing.



79. The Commission concludes that all requirements relating to *Canadian Environmental Assessment Act* have been fulfilled.
80. The Commission is of the opinion that the applicant is qualified to carry on the activity that the proposed licence will authorize and that the applicant 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.
81. Therefore, the Commission, pursuant to section 24 of the *Nuclear Safety and Control Act*, issues Waste Facility Operating Licence to OPG for the Pickering Waste Management Facility located in the Pickering Nuclear Generating Station at Pickering, Ontario. The licence, WFOL-W4-350.00/2018 will be valid from April 1, 2008 to March 31, 2018, unless suspended, amended, revoked or replaced.
82. The Commission includes in the licence the recommendations made by CNSC staff in CMD 07-H25.A, with changes made to licence conditions 2.2 and 9.1, as described earlier in this *Record of Proceedings*.
83. The Commission also delegates to the Director General of the CNSC Directorate of Nuclear Cycle and Facilities Regulation the authority to accept the Commissioning Report, in accordance with licence condition 2.2. The Commission requests CNSC staff to report on the acceptance of this Commissioning Report in a public proceeding of the Commission.
84. The Commission requests that CNSC staff prepare interim status reports following the third and seventh year of the proposed licence. CNSC staff's interim status reports shall be presented at a public proceeding of the Commission (in approximately June 2011 and June 2015) and will provide a summary of the performance of the licensee and facility.

Alan R. Graham, Presiding Member  
Canadian Nuclear Safety Commission

Date of decision: February 20, 2008

Date of release of Decision: March 26, 2008

## Appendix A – Intervenors

<b>Intervenors</b>	<b>Document Number</b>
Pickering Nuclear Generating Station Community Advisory Council	CMD 07-H25.2
Society of Energy Professionals	CMD 07-H25.3
Durham Nuclear Health Committee	CMD 07-H25.4
Organization of CANDU Industries	CMD 07-H25.5
Ajax-Pickering Board of Trade	CMD 07-H25.6
Durham College	CMD 07-H25.7
University of Ontario Institute of Technology	CMD 07-H25.8
Canadian Nuclear Workers Council	CMD 07-H25.9
Power Workers' Union	CMD 07-H25.10
North American Young Generation in Nuclear – Durham Chapter	CMD 07-H25.11