



Supplementary Information from CNSC Staff

Renseignements supplémentaires du personnel de la CCSN

In the Matter of the

À l'égard d'

Ontario Power Generation Inc.

Ontario Power Generation Inc.

Application for a licence to construct one BWRX-300 reactor at the Darlington New Nuclear Project Site (DNNP)

Demande visant à construire 1 réacteur BWRX-300 sur le site du projet de nouvelle centrale nucléaire de Darlington (PNCND)

**Commission Public Hearing
Part-2**

**Audience publique de la Commission
Partie-2**

January 8-10 and 13-14, 2025

8-10 et 13-14 janvier 2025



To / À Candace Salmon, Commission Registrar
Commission Registry

From / De Sarah Eaton, Director General
Directorate of Advanced Reactor Technologies

Canadian Nuclear Safety Commission	
Security Classification - Classification de sécurité	
UNCLASSIFIED	
Our File - Notre référence	e-Docs #7440062 (word)
Date	January 13, 2025

Subject / Objet Response to Commission undertaking related to the Saugeen Ojibway Nation’s request for a modification to an existing Licence Condition and compliance verification criteria for the DNNP LTC draft Licence Condition Handbook

Introduction

In relation to the CNSC Commission Public Hearing for Ontario Power Generation Inc.: Application for a licence to construct one BWRX-300 reactor for its Darlington New Nuclear Project (DNNP), the Saugeen Ojibway Nation (SON) submitted an intervention (CMD 24-H3.82) [1] to the Commission Registry outlining a request for a modification to an existing Licence Condition for the proposed DNNP Licence to Construct (LTC) [2].

Request made by the SON

The existing provision regarding the waste management Safety and Control Area (SCA) in CNSC staff’s draft LTC (PRCL 32.00/2035) [2] states:

11.1 The licensee shall implement and maintain a waste management program.

The proposed revision to the wording of Licence Condition 11.1 in CMD 24-H3.82 by SON states:

11.1 The licensee shall implement and maintain a waste management program to store all the radioactive waste on site throughout the life cycle of the nuclear facility and permanently if no disposal solution is found. This requirement applies with respect to the sorting, processing, recycling, and reducing of radioactive wastes.

SON has also stated in relation to the above:

“Although the CNSC staff may suggest that such specificity with respect to the storage of radioactive waste should not be included in the LTC, the *Nuclear Safety and Control Act* provides that a “licence may contain any term or condition that the Commission considers necessary for the purposes of this Act.” “Not only would the inclusion of this language be consistent with the commitments made throughout this process, but it would also enable the CNSC to demonstrate the fulfillment of the duty to consult and accommodate with respect to Saugeen Ojibway Nation.”

CNSC staff understand that SON is opposed to the transfer, either for processing or storage, of any future radioactive waste generated by the DNNP project to the Nation's territory without its consent and that no radioactive waste from the DNNP is sent to the Western Waste Management Facility (WWMF) for any purpose. In CMD 24-H3.82 the Nation states [1]:

“If the DNNP is approved, the radioactive waste it produces must not be transported to or stored in SON Territory without SON consent. OPG cannot continue to presume the availability of WWMF to store its L&ILW or rely on it as a backup plan.”

The licensed activities in the proposed DNNP LTC outlined in CMD 24-H3 do not allow for the handling of radioactive materials and will not generate any radioactive wastes at the DNNP. As stated in both CNSC staff's CMD [3] and the Record of Decision [4] for the 2017 relicensing of the WWMF, the WWMF is authorized to operate the safe handling, management, and the interim storage of radioactive wastes, including L&ILW, from all currently operating 20 reactors located at the Bruce, Darlington and Pickering sites, and the used nuclear fuel produced by the Bruce Nuclear Generating Station. The current licence for WWMF expires May 31, 2027.

In response to SON's request, should a LTC be issued by the Commission, CNSC staff will add the following compliance verification criteria (CVC) to the Licence Condition 11.1.

The CVC in the LCH will state:

“Licensee shall honour the commitments made to CNSC and SON in the letter to the Commission Registry of November 13, 2024”

CNSC will continue to further engage with SON to consider potential updates to the CVC as appropriate.

Conclusion

The proposed LTC for the DNNP prohibits OPG to generate radioactive wastes. The current operating licensing basis authorized by the Commission for the WWMF does not allow for the activities SON described in their proposed Licence Condition as described in CMD 24-H3.82 [1]. Any modifications to the licensing basis for the WWMF will require Commission approval.

CNSC staff conclude that that the proposed draft licence LTC included in CMD 24-H3 and CMD 24-H3.B remains appropriate. This licence condition, as presently written, adequately encompasses the regulatory requirements for the waste management SCA for the construction phase of the DNNP. OPG should seek a bilateral agreement with SON on this matter.

2025-01-13

x SJ Eaton

Sarah Eaton

Director General

Signed by: Eaton, SarahJane

References

- [1] CMD 24-H3.82, "Written submission from the Saugeen Ojibway Nation", Nov. 12, 2024. E-doc: [7405195](#)
- [2] "DRAFT Ontario Power Generation (OPG) Darlington New Nuclear Project (DNNP) Power Reactor Construction Licence (PRCL) PRCL 32.00/2035". E-doc: [7278956](#)
- [3] CMD 17-H3, "Ontario Power Generation, Inc. (OPG) Western Waste Management Facility". E-doc: [5187645](#)
- [4] Record of Decision, "Application to Renew the Waste Facility Operating Licence for the Western Waste Management Facility". E-doc: [5259092](#)
- [5] OPG Letter, M. Knutson to C. Salmon. "CNSC Notification that Darlington New Nuclear Project (DNNP) Low & Intermediate Level Waste (L&ILW) will not be stored in the Traditional Territory of the Saugeen Ojibway Nation", November 13, 2024. E-doc: [7406284](#)