



Oral presentation

Exposé oral

Supplementary Information

Mémoire supplémentaire

**Written submission from the
Pickering Harbour Company
Limited, Frenchman's Bay Harbour
& Marine Service Company Limited**

**Mémoire de Pickering Harbour
Company Limited, Frenchman's Bay
Harbour & Marine Service
Company Limited**

In the Matter of the

À l'égard d'

Ontario Power Generation Inc.

Ontario Power Generation Inc.

Application to extend the operation of
Pickering Nuclear Generating Station
Units 5 to 8 until December 31, 2026

Demande visant à prolonger l'exploitation
des tranches 5 à 8 de la centrale nucléaire de
Pickering jusqu'au 31 décembre 2026

Commission Public Hearing

Audience publique de la Commission

June 2024

Juin 2024

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April 26, 2024

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Canadian Nuclear Safety Commission
280 Slater Street,
P.O. Box 1046, Station B
Ottawa, Ontario
K1P 5S9

Dear Sirs:

Re: Pickering Harbour Company Limited ("**PHC**"), Frenchman's Bay Harbour & Marine Service Company Limited ("**FBHMSC**") and Ontario Power Generation ("**OPG**") application for licence renewal to the Canadian Nuclear Safety Commission ("**CNSC**") for the Pickering Nuclear Power Generating Station ("**PNPG**") for Reactors 5 to 8 ("**R5/8**")
Our File No.: 31403

Further to our previous representations to CNSC in December 2023, this will confirm that we represent the Frenchman's Bay Harbour & Marine Service Company Limited and its subsidiary company, Pickering Harbour Company Limited. PHC is the owner of the following lands:

- a. 591 Liverpool Road Pickering, comprised of approximately 5.8 acres of lands with a boatyard, parking and administrative offices;
- b. 600 Liverpool Road, Pickering, comprised of approximately 1 acre of lands with a harbourmaster building and event centre together with a marina/waterlot containing with approximately 250 boatslips;
- c. the majority of the waterlot (including waterbed) comprising Frenchman's Bay in Pickering Ontario, comprising approximately 130 acres;
- d. approximately 2.5 acres of lands on the spit at the east harbour entrance to Frenchman's Bay
- e. approximately 34 acres of waterlot and lakebed in Lake Ontario at the harbour entrance to Frenchman's Bay.

*Services provided through a Professional Corporation

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It is our understanding that our client PHC is the largest single landowner in near proximity to the PNPG and has owned and this will confirm that it has operated its businesses in Frenchman's Bay for almost 180 years.

Firstly, our clients would like to advise the CNSC that in principle, they support the extension of the Power Reactor Operating Licences ("PROL") and the re-furbishment plans for R5/8. However our clients feel that there should be some conditions imposed on OPG with respect to the licence renewal.

As we previously advised the CNSC, a significant portion of PHC's lands at 591 Liverpool Road are subject to a restriction for the benefit of the PNPG restricting any residential occupation of the said lands due to such lands being located within an exclusionary zone measured from the generating plants at the PNPG. This zone was created when the PNPG first entered into operation in the 1970s and was based on a scientific calculation based on the proposed 8 reactors fully operating as electricity generating facilities. Reactors 1 through 4 inclusive are the closest reactors to our client's lands. Reactors 2 and 3 are currently off-line and are in a guaranteed shutdown state. Reactors 1 and 4 are due for permanent shut down by the end of December, 2024. These reactors will also be moved into the same condition as Reactors 2 and 3. From the supplementary materials provided by OPG there are 4 states in the shutdown process ending with the stage 4 de-watering and de-fueling stage.

OPG is modernizing and refurbishing half of the reactors on the Pickering site, being the easterly 4 reactors furthest from our clients' lands and in doing so, it is reducing its nuclear footprint in Pickering. What we do not see in the materials is a corresponding review of effect of this footprint reduction on the inclusionary zone. If, as we understand, the calculation of the inclusionary zone is a specific scientific calculation based on an 8 reactor site, then the reduction of the number of operating reactors should also trigger a mandatory review of the inclusionary zone. This is one of the conditions that we would like to any PROL and with the review of the inclusionary zone to be required to include mandatory and meaningful consultation with the various landowners whose lands are affected by the inclusionary zone.

The easiest path for OPG would be to do nothing with respect to the inclusionary zone and clearly from the comments at the hearing in December, OPG was candidly dismissive of any consideration of a re-consideration of the inclusionary zone. At the same time OPG did not comment on the fact that inclusion of private lands in the inclusionary zone was a contravention of its existing licence. We reiterate that it is our position that OPG is already in violation of the terms of its existing PROL in that it does not control all the lands affected by the inclusionary zone and it has refused to address this issue with our client. Clearly, from our clients' position, the licencing process may be one of the only processes that provides our client with the opportunity to ensure that OPG is required to address this issue. The materials provided by OPG go into great detail with respect to the consultative process that it goes into with respect to the First Nations communities OPG deems affected by its application. We feel that OPG should be required to go through the same meaningful consulting process with the immediate landowners that are directly impacted by its operations. We reiterate that our client has been operating in Frenchman's Bay since the 1840's and given the impact of the PNPG on its operations, is owed the same duties of consultation as other entities.

Our clients would like CNSC to require OPG to provide our clients with the following information and with an opportunity to review and respond to same, before CNSC providing any decision on the PROL extension for R5/8, namely:

1. a full and detailed explanation with data on the initial calculation of the inclusionary zone and the underlying assumptions. In addition we would request that OPG be required to provide all historical information relating to the initial calculation and the identification of the affected owners;

2. confirmation whether the Preliminary Decommissioning Plan which we understand will be updated, includes any re-calculations of the inclusionary zone dimensions given that reactors 1 through 4 will be taken off line, and if so, what milestones will be used for such re-calculation;
3. what is the timing of the milestones referred to in 2 above and how do these relate of tie into the 4 states referred in its supplementary report;
4. what time frames are associated with each of the 4 stages or states referred to in the supplementary report; and
5. is there a mandatory review of any inclusionary zone where nuclear facilities are taken off-line and permanently shut down.

Lastly, if CNSC, after reviewing submissions on all of the foregoing, determines that the current inclusionary zone cannot be reduced after 2024 for safety reasons, or that any reduction will take time and be tied to the four stages referred to above when reactors 1 through 4 are shutdown, then we submit that this will require an alteration to the existing licences in that OPG should be required to confirm that it does not control all the lands within the inclusionary zone as currently required by its PROL and accordingly, any affected owner is entitled to compensation for the continued imposition of the inclusionary zone on its/his/her/their lands. This should include a mandatory and expedited process for the determination of any such compensation.

We are requesting status as intervenor for both of our clients in the hearings and public meetings being held by CNSC with respect to the review of the licence terms and/or extension of the licences of PNPG, with the right to receive all materials relating to the extension of the licences as may be permitted by law, including copies of the application materials. In addition, our clients request the right as intervenor(s) to submit and/or present further and other information and materials with respect to the matters raised above at any meeting or hearing.

Thank you for your consideration and we look forward to your confirmation that our clients will have intervenor status with respect to the hearings and materials relating to the CNSC consideration of the extension of the IPROL for PNPG

Yours truly,
SCHNEIDER RUGGIERO SPENCER MILBURN LLP

*David R. Spencer**

Per: David R. Spencer
Partner through David R. Spencer Professional Corporation

**Executed pursuant to the Electronic Commerce Act, 2000*

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