



UNCLASSIFIED/NON CLASSIFIÉ

SUPPLEMENTAL/COMPLÉMENTAIRE

CMD: 24-H5.B

Date signed/Signé le: 14 JUNE 2024

Reference CMD(s)/CMD(s) de référence: CMD 24-H5, CMD 24-H5.33

Commission Request for Information

Demande d'information de la Commission

**Ontario Power
Generation Inc.**

**Ontario Power
Generation Inc.**

**Pickering Nuclear
Generating Station**

**Pickering Nuclear
Generating Station**

Commission Public Hearing

Audience publique de la Commission

Scheduled for:
June 2024

Prévue pour :
Juin 2024

Submitted by:
CNSC Staff

Soumise par :
Le personnel de la CCSN

e-Doc 7298759 (WORD)
e-Doc 7299241 (PDF)

Summary

In their intervention (CMD 24-H5.33) the Pickering Harbour Company Ltd. raised concerns regarding OPG's control of the Pickering exclusion zone. This supplemental CMD provides information regarding the Pickering exclusion zone and OPG's compliance with CNSC regulatory requirements.

There are no actions requested of the Commission. This CMD is for information only


Résumé

Dans son intervention (CMD 24-H5.33), Pickering Harbour Company Ltd. a soulevé des préoccupations quant au contrôle d'OPG sur la zone d'exclusion de Pickering. Ce document complémentaire fournit des informations sur la zone d'exclusion de Pickering et sur la conformité d'OPG aux exigences réglementaires de la CCSN.

Aucune mesure n'est requise de la Commission. Ce CMD est fourni à titre d'information seulement.

Signed/signé le

14 June 2024

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Director General

Directorate of Power Reactor Regulation

Directeur général

Direction de la réglementation des centrales nucléaires

Overview

In its intervention ([CMD 24-H5.33](#)), [1] the Pickering Harbour Company Ltd. (PHC) raises concerns regarding Ontario Power Generation's (OPG) control of the Pickering Nuclear Generating Station (NGS) exclusion zone. PHC asserts that OPG is non-compliant with the Pickering Power Reactor Operating Licence (PROL 48.01/2028) [2] because OPG does not control the use and occupation of certain land within the Pickering NGS exclusion zone, specifically portions of land at 591 Liverpool Road which are owned by PHC. The purpose of this supplemental CMD is to provide the Commission with information regarding the Pickering exclusion zone and OPG's compliance with CNSC regulatory requirements. CNSC staff also provided similar information to the Commission in [CMD 23-M36.B](#) in relation to the Pickering NGS mid-term update conducted in December 2023. [3]

General Licence Condition (LC) G.3 of the Pickering PROL requires that OPG “*control the use and occupation of any land within the exclusion zone.*” The Compliance Verification Criteria (CVC) in the Licence Conditions Handbook (LCH) [4] sets out that:

“OPG shall ensure that the use and occupancy of land within the exclusion zone does not compromise the safety and control measures in the licensing basis. Specifically, the licensee shall consider emergency preparedness and ALARA when controlling land use within the exclusion zone. This applies to land the licensee occupies as well as to land occupied by others. OPG shall not permit a permanent dwelling to be built within the exclusion zone. OPG shall notify the CNSC of changes to the use and occupation of any land within the exclusion zone.”

Neither the licence condition nor the CVCs in the LCH require specifically that OPG possess legal title to the lands within the exclusion zone, only that they exercise control such that no permanent dwelling is built on those lands. OPG has informed the CNSC that it achieves this control primarily through zoning bylaws. OPG's document NK30-D0A-10200-0001, *Building Development Site Plan*, is a version-controlled document in the Pickering LCH that describes the exclusion zone and identifies the parcels of land within the exclusion zone that are controlled but not owned by OPG. As indicated in the *Building Development Site Plan*, there are no permanent dwellings within the Pickering exclusion zone. CNSC requirements do not stipulate the means of maintaining control of the exclusion zone. So long as the use and occupation of the lands within the exclusion zone remain in accordance with LC G.3 and the CVC noted above, CNSC staff consider the lands adequately controlled.

CNSC staff acknowledge that the concern raised in PHC's intervention has been raised to CNSC staff in the past. On November 8, 2016, CNSC staff received a letter from the City of Pickering requesting a minor variance of the Pickering NGS exclusion zone to accommodate a proposed residential and commercial development. This request was for removal of the subject area from the Pickering NGS exclusion zone. CNSC staff responded to the City of Pickering on July 25, 2017, stating that any changes to the exclusion zone would need to be initiated by OPG for CNSC approval and that the request would need to be supported by appropriate documentation including a revision of the licensing safety case. As of June 14, 2024, OPG has not submitted such a request.

Conclusion

CNSC staff have no concerns regarding the health and safety of persons or the environment in relation to the present use of the exclusion zone and consider it to be adequately controlled for the purposes of the licence condition and the established CVCs. Therefore, CNSC staff conclude that OPG is compliant with LC G.3, *Land Use and Occupation*. The recommendations and conclusions included in [CNSC staff CMD 24-H5](#) remain unchanged.

References

1. [Written submission from the Pickering Harbour Company Limited, Frenchman's Bay Harbour & Marine Service Company Limited](#), CMD 24-H5.33
2. Pickering Nuclear Generating Station: Nuclear Power Reactor Operating Licence, April 9, 2020, e-Doc 6113988
3. [Supplementary submission from CNSC Staff - 2022 Regulatory oversight report for Canadian nuclear power generating sites](#), CMD 23-M36.B
4. Pickering NGS Licence Conditions Handbook: LCH-PR-48.00/2028-R006, January 2, 2024, e-Doc 7209144