



# Record of Decision

DEC 26-H108

In the Matter of

Applicant Ontario Power Generation Inc.

Subject Application to Amend Ontario Power  
Generation Inc.'s Licences to Change the  
Address of its Corporate Headquarters

Date of  
Decision March 6, 2026

**RECORD OF DECISION — DEC 26-H108**

Applicant: Ontario Power Generation Inc.

Address/Location: 1908 Colonel Sam Dr  
Oshawa ON L1H 8P7

Purpose: Application to Amend Ontario Power Generation Inc.'s  
Licences to Change the Address of its Corporate  
Headquarters

Application received: October 28, 2025

Hearing: *Notice of Hearing in Writing*  
published on January 26, 2026

Date of decision: March 6, 2026

Panel of Commission: P. Tremblay, President

**Ontario Power Generation Inc.'s Class I Power Reactor and Waste Facility Licences:  
Amended**

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## 1.0 INTRODUCTION

1. Ontario Power Generation Inc. (OPG) has applied to the Canadian Nuclear Safety Commission<sup>1</sup> (CNSC) for an amendment to its licences for the following Class I facilities to reflect the change in address of its corporate headquarters. OPG's facilities are located on different sites in Ontario and in the traditional and treaty territories of many Indigenous Nations and communities.
  - [Darlington New Nuclear Project](#) (licences to prepare site and construct)
  - [Pickering Nuclear Generating Station](#)
  - [Darlington Nuclear Generating Station](#)
  - Western Waste Management Facility
  - Pickering Waste Management Facility
  - Darlington Waste Management Facility

### Matters for Decision

2. Under subsections 24(4)(a)(b) of the [Nuclear Safety and Control Act](#)<sup>2</sup> (NSCA), in considering whether to amend the licences, the Commission must determine if OPG:
  - a) is qualified to carry on the activities authorized by the licence; and
  - b) 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 obligation to which Canada has agreed.
3. In considering OPG's application, the Commission is also deciding whether any requirements of the [Impact Assessment Act](#)<sup>3</sup> (IAA) apply to the licence amendments such that an impact assessment is triggered. Satisfying any such requirements can be a prerequisite to a licensing decision.
4. As an agent of the Crown, the Commission recognizes its role in fulfilling the Crown's constitutional obligations, along with advancing reconciliation with Canada's Indigenous peoples. The Commission's responsibilities include the duty to consult and, where appropriate, accommodate Indigenous interests where the Crown contemplates conduct which may adversely impact potential or established Aboriginal or Treaty rights. As such, the Commission must identify the engagement and consultation steps, and accommodation measures needed to address Indigenous interests.

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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> *Nuclear Safety and Control Act*. S.C. 1997, c. 9.

<sup>3</sup> S.C. 2019, c. 28, s. 1.

### Public Hearing in Writing

5. On January 26, 2026, the Commission published a [Notice of Hearing in Writing](#)<sup>4</sup> for this matter. The President established himself as a panel of one Commission member to consider the application.<sup>5</sup> The Commission, in conducting a public hearing based on written materials, considered written submissions from OPG ([CMD 26-H108.1](#)) and CNSC staff ([CMD 26-H108](#)).
6. In determining whether a public hearing will be an oral hearing or a hearing in writing, the Commission is guided by the direction in subsection 20(3) of the NSCA that “all proceedings before the Commission must be dealt with as informally and expeditiously as the circumstances and considerations of fairness permit.” The Commission also considers such things as whether the proposed licensing action would authorize new or different activities or take novel or controversial approaches, the complexity of the matter under consideration, the proposed timing and steps in the lifecycle of the facility or operation, and the level and degree of likely or anticipated participation from intervenors. Given the administrative nature of the matter before it, the Commission determined that a hearing in writing would be expeditious and fair.

## **2.0 DECISION**

7. For the reasons described below, the Commission concludes the following:
  - OPG is qualified to carry on the activity that the amended licences will authorize
  - OPG, in carrying out 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
  - this matter does not trigger any requirements under the IAA
  - the requested licence amendments do not present novel adverse impacts on any potential or established Aboriginal claim or right
  - the Commission’s responsibility to uphold the honour of the Crown and its constitutional obligations regarding engagement and consultation respecting Indigenous interests have been satisfied

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<sup>4</sup> Notice of Hearing in Writing – Ontario Power Generation’s application to amend its licences to reflect a change in address. January 26, 2026.

<sup>5</sup> NSCA, section 22.

8. As a result, the Commission, under subsection 24(4) of the NSCA, amends the licences for the following facilities:
  - Darlington New Nuclear Project (site preparation and construction licences)
  - Pickering Nuclear Generating Station
  - Darlington Nuclear Generating Station
  - Western Waste Management Facility
  - Pickering Waste Management Facility
  - Darlington Waste Management Facility
9. The Commission includes in the licences the updated address as described in CMD 26-H108.
10. The amended licences are valid until their respective expiry dates, unless otherwise suspended, amended, revoked or replaced. The amended licences are as follows:
  - PRSL 18.01/2031, Darlington New Nuclear Project Site Preparation Licence
  - PRCL 32.01/2035, Darlington New Nuclear Project Site Construction Licence
  - PROL 48.04/2028, Pickering Nuclear Generating Station
  - PROL 13.01/2045, Darlington Nuclear Generating Station
  - WFOL-W4-314.01/2027, Western Waste Management Facility
  - WFOL-W4-350.02/2028, Pickering Waste Management Facility
  - WFOL-W4-355.01/2033, Darlington Waste Management Facility

### **3.0 ISSUES AND COMMISSION FINDINGS**

11. In making its licensing decision, the Commission considered all the relevant submissions relating to OPG's licence amendment application. The Commission's analysis is set out within the following subsections of this *Record of Decision*:

[3.1 Applicability of the Impact Assessment Act](#)

[3.2 OPG's application](#)

[3.3 Safety and control measures](#)

[3.4 Indigenous consultation and engagement](#)

[3.5 Licence amendments](#)

### 3.1 Applicability of the Impact Assessment Act

12. Pursuant to the IAA and the [\*Physical Activities Regulations\*](#)<sup>6</sup> made under it, impact assessments are to be conducted in respect of projects identified as having the greatest potential for adverse environmental effects in areas of federal jurisdiction.
13. The Commission is satisfied that this application does not trigger any of the requirements under the IAA for an impact assessment. The proposed licence amendments do not include any new activities listed in the *Physical Activities Regulations* that require an impact assessment, or new activities that meet the definition of a project on federal lands.

### 3.2 OPG's application

14. On [October 28, 2025](#), OPG submitted to the CNSC an application to amend its power reactor operating licences, waste facility operating licences, waste nuclear substance licence, nuclear substances and devices licences, dosimetry services licence, and import/export licences for controlled nuclear substances, equipment and information.<sup>7</sup> OPG's application<sup>8</sup> is requesting that the Commission amend the licences to change the address of its corporate headquarters from 700 University Avenue Toronto, Ontario M5G 1X6 to 1908 Colonel Sam Drive Oshawa, Ontario L1H 8P7.
15. In order to be complete, a licence amendment application must meet the requirements of the NSCA, the [\*General Nuclear Safety and Control Regulations\*](#)<sup>9</sup> (GNSCR), and other applicable regulations made under the NSCA. The Commission examined the sufficiency of the licensee's application.
16. Section 6 of the GNSCR provides that an application for the amendment of a licence shall contain:
  - a) a description of the amendment, revocation or replacement and of the measures that will be taken and the methods and procedures that will be used to implement it;
  - b) a statement identifying the changes in the information contained in the most recent application for the licence;
  - c) a description of the nuclear substances, land, areas, buildings, structures, components, equipment and systems that will be affected by the amendment, revocation or replacement and of the manner in which they will be affected; and
  - d) the proposed starting date and the expected completion date of any modification encompassed by the application.

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<sup>6</sup> SOR/2019-285.

<sup>7</sup> Only the Commission can amend the Class I power reactor and waste facility operating licences. The amendments of the remaining licences were considered by an authorized CNSC Designated Officer.

<sup>8</sup> CMD 26-H108.1, page 2.

<sup>9</sup> SOR/2000-202.

17. Section 7 of the GNSCR provides that an application for a licence or for the renewal, suspension in whole or in part, amendment, revocation or replacement of a licence may incorporate by reference any information that is included in a valid, expired or revoked licence.
18. CNSC staff considered the proposed licence amendments to be administrative. CNSC staff found that OPG's application was in accordance with section 6 of the GNSCR.<sup>10</sup>
19. The Commission is satisfied that OPG's application includes the necessary information for the amendment of its licences, and that OPG has provided sufficient information for the Commission to make a decision.

### **3.3 Safety and Control Measures**

20. Under subsections 24(4)(a)(b) of the NSCA, in considering whether to amend the licences, the Commission must determine if OPG:
  - a) is qualified to carry on the activities authorized by the licence; and
  - b) 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 obligation to which Canada has agreed.
21. OPG is not requesting<sup>11</sup> any other changes as part of its application. OPG submitted that the licence amendments will not change the:
  - authorized activities for any of the licences
  - organizational structure for the licensed activities
  - safety and control measures of the applicable licensing bases for any of the licences
22. CNSC staff submitted<sup>12</sup> that the requested licence amendments do not:
  - impact any of the licensing bases
  - impact any safety and control areas
  - pose any environmental, health and safety, security, or financial guarantee implications

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<sup>10</sup> CMD 26-H108, section 1.

<sup>11</sup> CMD 26-H108.1, page 2.

<sup>12</sup> CMD 26-H108, section 2.

23. The Commission is satisfied that the proposed licence amendments would not affect the safety and control measures that OPG has in place for any of the licences. Based on the information on the record for this hearing, the Commission finds that OPG is qualified and has adequate measures in place to carry on the activities that would be authorized by the amended licences.

### 3.4 Indigenous Consultation and Engagement

24. Indigenous consultation refers to the common law duty to consult Indigenous Nations and communities under section 35 of the [Constitution Act, 1982](#)<sup>13</sup> and is grounded in the principle of the honour of the Crown, which requires that the Crown act with integrity and in good faith in its dealings with Indigenous people. As an agent of the Crown, the Commission must uphold the honour of the Crown and ensure the duty to consult and accommodate, if applicable, are discharged.
25. The duty to consult is engaged wherever the Crown has “knowledge, real or constructive, of the potential existence of an Aboriginal right or title and contemplates conduct that might adversely affect it.”<sup>14</sup> Specifically, the duty to consult is triggered for the licensing decisions of the Commission when the following three elements are met:<sup>15</sup>
- the Crown has knowledge, actual or constructive, of a potential Aboriginal claim or right;
  - the Crown is contemplating a certain conduct that may engage a potential Aboriginal right; and
  - the Crown’s decision or action has the potential to adversely affect an Aboriginal claim or right.
26. The [United Nations Declaration on the Rights of Indigenous Peoples Act](#)<sup>16</sup> (UNDA) came into force in Canada on June 21, 2021. The determination of what the duty to consult and accommodate requires is informed by the principles and the provisions of UNDRIP as a result of its adaptation into Canadian law via the UNDA. The content of the UNDRIP is to be used as a lens to interpret the Crown’s duty to consult and accommodate.<sup>17</sup> The Commission also acknowledges the need to consider the [Principles Respecting the Government of Canada’s Relationship with Indigenous Peoples](#).<sup>18</sup> The Commission recognizes the need to uphold the honour of the Crown during its review of this matter.

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<sup>13</sup> Schedule B to the *Canada Act, 1982* (UK), 1982, c 11.

<sup>14</sup> *Haida Nation v. British Columbia (Minister of Forests)*, [2004 SCC 73](#) at para 35.

<sup>15</sup> *Rio Tinto Alcan Inc. v. Carrier Sekani Tribal Council*, [2010 SCC 43](#) at para 31 [*Rio Tinto*].

<sup>16</sup> S.C. 2021, c.14.

<sup>17</sup> *Kebaowek First Nation v. Canadian Nuclear Laboratories*, [2025 FC 319](#) [*Kebaowek First Nation*].

<sup>18</sup> Department of Justice Canada, *Principles Respecting the Government of Canada’s Relationship with Indigenous Peoples*, 2018.

27. CNSC staff submitted<sup>19</sup> that the proposed licence amendments are administrative and would not trigger any Indigenous consultation. CNSC staff added that the proposed licence amendments do not impact any of the licensing bases or safety and control areas for any of the facilities.<sup>20</sup>
28. The Commission recognizes Canada's commitment to UNDRIP and the framework for reconciliation and implementation of UNDRIP set out within UNDA. The Commission has assessed the duty to consult and accommodate regarding the proposed licence amendments within the context of and with acknowledgement of UNDA.
29. The Commission finds that the proposed licence amendments – namely the change in address to OPG's new corporate headquarters – will not cause any new adverse impact to any potential or established Indigenous and/or Treaty rights.<sup>21</sup> The licence amendments requested by OPG do not include any new licensed activities that could cause new impacts to the environment or changes in the ongoing licensed activities. The continued operation of OPG's facilities do not give rise to any new or novel adverse impacts that would trigger a duty to consult. Accordingly, the Commission concludes that no duty to consult is engaged in relation to the current licence amendments application. The Commission is satisfied that the honour of the Crown has been upheld in this matter.

### 3.5 Licence Amendments

30. OPG has applied for an amendment to the following licences to update the address of its new corporate headquarters from 700 University Avenue Toronto, Ontario M5G 1X6 to 1908 Colonel Sam Drive Oshawa, Ontario L1H 8P7. OPG is not requesting any other changes to its licences.
  - PRSL 18.00/2031, Darlington New Nuclear Project Site Preparation Licence
  - PRCL 32.00/2035, Darlington New Nuclear Project Site Construction Licence
  - PROL 48.03/2028, Pickering Nuclear Generating Station
  - PROL 13.0/2045, Darlington Nuclear Generating Station
  - WFOL-W4-314.00/2027, Western Waste Management Facility
  - WFOL-W4-350.01/2028, Pickering Waste Management Facility
  - WFOL-W4-355.00/2033, Darlington Waste Management Facility
31. CNSC staff recommend the Commission amend OPG's licences to update the new headquarters address as outlined in Appendix A of CMD 26-H108.

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<sup>19</sup> CMD 26-H108, page 2.

<sup>20</sup> CMD 26-H108, page 2.

<sup>21</sup> *Rio Tinto Alcan v. Carrier Sekani Tribal Council*, 2010 SCC 43, at paras 45 and 49.

32. The Commission accepts the proposed licence amendments. The Commission is satisfied that the proposed licence amendments are administrative in nature, reflecting the new address.

#### **4.0 CONCLUSION**

33. The Commission has considered OPG's application for an amendment to its licences for its Class I facilities. The Commission has also considered the submissions from OPG and CNSC staff as part of this public hearing in writing. Based on its consideration of all the evidence on the record, as set out above, the Commission amends the aforementioned licences.

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Pierre F. Tremblay  
President  
Canadian Nuclear Safety Commission

March 6, 2026  
Date