



***Protocol for Ontario Power Generation Inc.'s
Pickering Waste Management Facility Licence
Renewal Hearing***

November 2016



PROTOCOL FOR THE PICKERING WASTE MANAGEMENT FACILITY LICENCE RENEWAL

PREAMBLE

WHEREAS Ontario Power Generation Inc. (OPG) is the licensee for the Pickering Waste Management Facility (PWMF);

AND WHEREAS the Canadian Nuclear Safety Commission (CNSC) staff are responsible for assessing licence applications and reviewing the documents that will allow the PWMF to continue operation;

AND WHEREAS the Commission is a quasi-judicial administrative tribunal;

AND WHEREAS this document has no application to the Commission Members appointed under the *Nuclear Safety and Control Act* (NSCA);

AND WHEREAS nothing in this Protocol restricts the powers of designated officers, inspectors or the Commission when it comes to making regulatory decisions or taking regulatory action in the public interest, transparently and independent of any undue influence;

AND WHEREAS nothing in this Protocol is to be construed or interpreted as affecting the jurisdiction and discretion of the Commission in any assessment of any application for licensing purposes under the NSCA, its associated regulations or the CNSC Rules of Procedure;

AND WHEREAS all participants of this Protocol understand that there will be no compromise in the protection of the environment or the health, safety and security of Canadians. The participants also recognize that the independence of the CNSC, as Canada's federal nuclear regulator, will be maintained.

1.0 PURPOSE OF THIS PROTOCOL

This Protocol and its attached Annex establish the administrative framework, milestones and associated service standards for the licence renewal of the PWMF Waste Facility Operating Licence (WFOL), WFOL-W4-350.02/2018, scheduled for a public hearing in April 2017. The current licence is valid to March 31, 2018 unless otherwise suspended, amended, revoked, replaced or transferred.

The milestones described in the Annex were established on the basis of a number of assumptions. This Protocol does not bind the CNSC. Should events unfold in a manner that is different from what was contemplated at the time the Annex was created, the milestones will be revised following the processes outlined in this Protocol.

2.0 PARTICIPANTS AND CHAMPIONS

The participants to the Protocol have the following roles and responsibilities with respect to the licensing of the PWMF:

- **The CNSC** staff are responsible for assessing licence applications and reviewing the documents that will allow the PWMF to continue operation.
- **OPG** is the licensee and operator of the PWMF.

The Champions representing each participant of this Protocol are as follows:

Karine Glenn

Director, Wastes and Decommissioning Division
Canadian Nuclear Safety Commission

Leslie Mitchell

Manager Regulatory Affairs
Decommissioning & Nuclear Waste Management Division
Ontario Power Generation

Each participant will identify alternates in the event that the primary Champion is unavailable.

3.0 EFFECTIVE LIFE OF THE PROTOCOL

This Protocol will come into effect upon the date of its signing by all participants. This Protocol will end on the date that all of the milestones defined in the Annex are achieved.

4.0 TIMELINES

The Annex details the service standards for the submission and review of the documents to support the licence renewal of the PWMF WFOL. Specific timelines for the submission of the documents are indicated; however, timelines will be updated as applicable.

The participants agree to encourage, to the extent possible, the exchange of information on the documents listed in the Annex and on the review by CNSC staff of advanced drafts of OPG documents when requested.

In addition to the exchange of submission and response correspondence described in the annex, the participants agree to meet, as necessary, to clarify intentions and facilitate common understanding to achieve the service standards.

5.0 ISSUES RESOLUTION

The participants to this Protocol will use their best efforts to resolve, in an effective and timely manner, any differences of opinion in the interpretation or application of this Protocol.

There may be issues related to the submission or review of the documents outlined in the Annex. These issues will be resolved through direct discussions and collaboration between the Champions. Any issues that cannot be resolved in this manner will be jointly referred to the Executive Management Committee.

The actions and decisions of the Champions and Executive Management Committee do not restrict the discretion of those who otherwise have the statutory obligations to consider matters.

6.0 EXECUTIVE MANAGEMENT COMMITTEE

The participants to the Protocol have formed an Executive Management Committee comprising senior management representatives from the CNSC and OPG. If an issue cannot be resolved through the Champions, the Executive Management Committee will meet within three working days of notification of the dispute with the intention of expeditiously resolving the impasse.

The members of the Executive Management Committee are as follows:

Ramzi Jammal

Executive Vice-President and Chief Regulatory Operations Officer
Regulatory Operations Branch
Canadian Nuclear Safety Commission

Lise Morton

Vice-President
Nuclear Waste Management
Ontario Power Generation

Each participant will identify alternates in the event that the primary Executive Management Committee member is unavailable.

7.0 FUTURE REVISIONS OF THE PROTOCOL

The Champions will coordinate all revisions to this Protocol. Substantive revisions affecting the main items of the Protocol will be shared with all participants who have signed the Protocol. Other revisions may be approved with the joint agreement of Executive Management Committee members.

8.0 SIGNATURE

The participants hereto have signed the Protocol, in counterpart, on the dates indicated below.



Ramzi Jammal
Executive Vice-President and Chief Regulatory Operations Officer
Regulatory Operations Branch
Canadian Nuclear Safety Commission



Lise Morton
Vice-President
Nuclear Waste Management
Ontario Power Generation

Annex**Key milestones, activities and service standards
for the Pickering Waste Management Facility licence renewal hearing**

Milestone	Lead	Time	Completion date
Submission of licence renewal application	OPG	-	October 31, 2016
EA determination	CNSC	2 w	November 10, 2016
Sufficiency and completeness review of application complete	CNSC	4 w	November 14, 2016
CNSC questions on application provided to OPG	CNSC	-	November 14, 2016
OPG gap analysis and implementation plan dates for LCH	OPG	-	November 30, 2016
OPG answers to CNSC questions due	OPG	2 w	November 25, 2016
CNSC follow-up questions, if applicable	CNSC	1 w	December 2, 2016
OPG follow-up answers, if applicable	OPG	1 w	December 9, 2016
Notice of public hearing and Participant Funding Program	CNSC	-	November 1, 2016
Notice of application to Aboriginal groups	CNSC	-	November 1, 2016
CNSC CMD due to the Secretariat	CNSC	1 d	February 12, 2017 ¹
OPG CMD due to the Secretariat	OPG	1 d	February 12, 2017 ¹
Public interventions deadline	Public	-	March 12, 2017 ¹
CNSC presentation/supplementary CMD due to the Secretariat	CNSC	-	April 5, 2017 ¹
OPG presentation/supplementary CMD due to the Secretariat	OPG	-	April 5, 2017 ¹
Anticipated public hearing date	CNSC	-	April 12, 2017 ¹

¹ To be confirmed by the Secretariat once the application has been received.