



Canadian Nuclear
Safety Commission

Commission canadienne
de sûreté nucléaire

Record of Decision

In the Matter of

Applicant Ontario Power Generation Inc.

Subject Application to Amend the Waste Facility
Operating Licence for the Darlington Waste
Management Facility

Hearing Date March 30, 2016

RECORD OF DECISION

Applicant: Ontario Power Generation Inc.

Address/Location: 700 University Avenue, Toronto, ON M5G 1X6

Purpose: Application to amend the Waste Facility Operating Licence for the Darlington Waste Management Facility

Application received: February 6, 2015

Date of hearing: March 30, 2016

Location: Canadian Nuclear Safety Commission (CNSC)
280 Slater St., Ottawa, Ontario

Members present: M. Binder, Chair

Licence: Amended

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1.0 INTRODUCTION

1. Ontario Power Generation Inc. (OPG) has submitted an application to the Canadian Nuclear Safety Commission¹ (CNSC), under subsection 24(2) of the *Nuclear Safety and Control Act*² (NSCA), for an amendment to the Waste Facility Operating Licence (WFOL) for its Darlington Waste Management Facility (DWMF) located on the site of the Darlington Nuclear Generating Station (NGS) in Clarington, ON. The current licence, WFOL-W4-355.00/2023, expires on April 30, 2023.
2. The DWMF is located in a separate protected area within the Darlington NGS site boundary, and processes and stores Dry Storage Containers (DSCs) containing used nuclear fuel from the Darlington NGS. In March 2013, the Commission renewed the DWMF WFOL for a ten-year period.
3. In February 2016, OPG requested that the WFOL be amended to:
 - remove licence condition 17.4 since it has been fulfilled;
 - modify the operational performance reporting transmittal period from 60 days to 90 days;
 - update the format of the licence to align with the CNSC standardized licence conditions.

Issue

4. In considering the application, the Commission was required to decide, pursuant to subsection 24(4) of the NSCA:
 - a) if OPG is qualified to carry on the activity that the amended licence would authorize; and
 - b) if in carrying on that activity, OPG 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.

Hearing

5. Pursuant to section 22 of the NSCA, the President of the Commission established a Panel of the Commission to review the application. The Commission, in making its decision, considered information presented for a hearing based on written materials held on March 30, 2016 in Ottawa, Ontario. The Commission considered written submissions from OPG (CMD 16-H102.1) and CNSC staff (CMD 16-H102).

¹ 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.

² Statutes of Canada (S.C.) 1997, chapter (c.) 9.

2.0 DECISION

6. Based on its consideration of the matter, as described in more detail in the following sections of this *Record of Proceedings*, the Commission concludes that OPG has met the conditions of subsection 24(4) of the NSCA. Therefore,

the Commission, pursuant to section 24 of the *Nuclear Safety and Control Act*, amends the Waste Facility Operating Licence WFOL-W2-355.00/2023 issued to Ontario Power Generation Inc. for its Darlington Waste Management Facility located in Clarington, ON. The amended licence, WFOL-W2-355.01/2023, is valid until April 30, 2023.

3.0 ISSUES AND COMMISSION FINDINGS

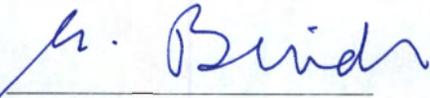
7. In its submission, OPG requested three amendments to its WFOL. The requested amendments are to:
- remove licence condition 17.4, Environmental Assessment Follow-up Programs, since all of the required DWMF Environmental Assessment Follow-up and Monitoring Program activities had been previously confirmed as completed
 - modify the operational performance reporting transmittal period from 60 days to 90 days to align the reporting timeline with those of other OPG Class I nuclear facilities
 - update the format of the licence to align with the CNSC standardized licence conditions
8. The Commission considered OPG's request and CNSC staff's recommendation for the removal of licence condition 17.4. The Commission is satisfied that OPG had previously adequately demonstrated that it had met the requirements of licence condition 17.4, as recorded in the Record of Proceedings for the DWMF licence renewal hearing held in December 2012, and that licence condition 17.4 had not been removed from the DWMF licence at the time of licence renewal due to an administrative oversight. The Commission agrees with OPG's request and CNSC staff's recommendations, and removes licence condition 17.4 from the DWMF WFOL.
9. The Commission also considered OPG's request and CNSC staff's recommendation for the modification of the operational performance reporting transmittal period to align the reporting timeline with those of all other OPG Class I nuclear facilities. The Commission accepts CNSC staff's recommendation to extend the operational performance transmittal period to 90 days to allow OPG enough time to prepare and submit its quarterly reports that include dosimetry results. Because OPG also requested that the format of the licence be updated to align with the CNSC standardized licence conditions, the operational performance reporting transmittal period will be reflected in section 3.2 of the Licence Conditions Handbook corresponding to licence condition 3.2, Reporting Requirements.

The Commission is satisfied that this change is administrative in nature and would not result in any unreasonable risk to national security or the health and safety of persons and the environment.

10. Regarding OPG's request to update the format of the licence to align with the CNSC standardized licence conditions, the Commission is satisfied that CNSC staff's proposed amended licence is aligned with the CNSC standardized licence conditions and that it does not modify existing authorized activities.

4.0 CONCLUSION

11. Based on the information and submissions from OPG and CNSC staff, the Commission is satisfied that the requested amendments are administrative in nature and will not adversely impact the safety of the DWMF operations.



Michael Binder
President
Canadian Nuclear Safety Commission

MAR 30 2016

Date