



Canadian Nuclear
Safety Commission

Commission canadienne
de sûreté nucléaire

Record of Proceedings, Including Reasons for Decision

In the Matter of

Applicant Ontario Power Generation Inc.

Subject Application for the renewal of the Darlington
Waste Management Facility Operating Licence
for a six-month period

Hearing
Date July 4, 2012

RECORD OF PROCEEDINGS

Applicant: Ontario Power Generation Inc.

Address/Location: 1340 Pickering Parkway, Fourth Floor, Pickering, Ontario L1V 0C4

Purpose: Application for the renewal of the Darlington Waste Management Facility Operating Licence for a six-month period

Application received: January 31, 2012

Date of hearing: July 4, 2012

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

Members present: M. Binder, Chair

Secretary: M. Leblanc
Recording Secretary: C. Heyendal / S. Gingras

Licence: Renewed

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Introduction

1. Ontario Power Generation (OPG) has applied to the Canadian Nuclear Safety Commission¹ (CNSC) for a six-month renewal of its operating licence for the Darlington Waste Management Facility (DWMF), located in Clarington, Ontario. The current operating licence, WFOL-W4-355.02/2012, expires on October 31, 2012.
2. OPG is the owner and licensee of the DWMF, located on the site of the Darlington Nuclear Generating Station (DNGS). This facility was developed for the processing and interim storage of spent nuclear fuel generated by the station. The Nuclear Waste Management Division of OPG operates the DWMF.
3. At the DWMF, spent nuclear fuel from the DNGS is processed and sealed in dry storage containers and stored in purpose built storage buildings. The DWMF is a secured location within the DNGS site boundary.
4. The current licence permits the construction of one building for the processing of Dry Storage Containers (DSCs) and three storage buildings, each with a storage capacity of up to 500 DSCs. The facility currently consists of one DSC processing building and one DSC storage building. The transfer of loaded DSC's from the DNGS to the DWMF is not conducted on public roads but solely on OPG property using a dedicated security escort.
5. On January 31, 2012 OPG applied for the renewal of the DWMF licence for a 10-year period and authorization for the construction and operation of storage buildings for intermediate level radioactive waste and spent nuclear fuel. The Environmental Assessment (EA) for this project is to be heard by the Commission in a public hearing in November 2012. In order to allow the DWMF operating licence to remain in effect over the period that the EA and a 10-year licence renewal application will be presented to the Commission for decision, OPG has also requested a 6 month renewal of the DWMF (with no changes) valid until April 30, 2013.

Issue

6. In considering the application, the Commission was required to decide, pursuant to subsection 24(4) of the *Nuclear Safety and Control Act*² (NSCA):
 - a) if OPG is qualified to carry on the activity that the amended licences would authorize; and
 - b) if in carrying on that activity, OPG would 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.

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.

Hearing

7. 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 held on July 4, 2012 in Ottawa, Ontario. During the hearing, the Commission considered written submissions from CNSC staff (CMD 12-H117) and OPG (CMD 12-H117.1).

Decision

8. 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*, renews the Waste Facility Operating Licence to Ontario Power Generation Inc. for its Darlington Waste Management Facility located in Clarington, Ontario. The renewed licence, WFOL-355.00/2013, is valid until April 30th, 2013.

9. The Commission includes in the licence the conditions as recommended by CNSC staff in CMD 12-H117.

Issues and Commission Findings

Qualifications and Protection Measures

10. CNSC staff recommended that the Commission renew the operating licence for a period of six months, starting on November 1, 2012 and expiring on April 30, 2013. CNSC staff noted that this short-term licence renewal is being sought in order to allow the DWMF operating licence to remain in effect over the period that the EA for the construction and operation of two storage buildings associated with the DNGS refurbishment and the application for a 10-year licence renewal will be presented to the Commission for decision at a public hearing.
11. CNSC staff noted that, apart from the dates of issue and expiry, no alterations were requested to the existing operating licence.
12. CNSC staff reported that, over the current licensing period, OPG's performance at the DWMF was rated as satisfactory for all of the Safety and Control Areas (SCA) from 2008 to 2010. For 2011, CNSC staff rated four SCAs as fully satisfactory and the remaining SCAs as satisfactory.

13. CNSC staff reported to the Commission that they had assessed the submitted request and were of the opinion that the limited six-month renewal of the licence, with the same licence conditions and operating limitations that are included in the current licence, would not have adverse effects on the environment, the health and safety of persons or the maintenance of national security and measures required to implement international obligations to which Canada has agreed.
14. CNSC staff noted that OPG has consistently paid their cost recovery fees in full during the current licence period for the DWMF. CNSC staff has no concerns over payment of future cost recovery fees.
15. CNSC staff explained that OPG maintains a consolidated financial guarantee for decommissioning its Ontario owned facilities, including the DWMF. CNSC staff considers the financial guarantee sufficient to fund the future decommissioning of OPG's Class I facilities as anticipated by their decommissioning reference plans.

Application of the *Canadian Environmental Assessment Act*

12. Before making a licensing decision, the Commission must be satisfied that all applicable requirements of the *Canadian Environmental Assessment Act*³ (CEAA) have been fulfilled.
16. CNSC staff reported that it had completed an Environmental Assessment (EA) determination. CNSC staff determined that the renewal of the licence is not a "trigger" listed in the *Law List Regulations* under the CEAA, and that there was no requirement for an EA.

Aboriginal Consultation

17. CNSC staff reported that, as there are no changes associated with this licence renewal, it is not expected to cause adverse impacts to any potential or established Aboriginal or treaty rights. At the time of writing, no issues have been raised by the identified Aboriginal groups. CNSC staff further noted that all identified aboriginal groups have been encouraged to intervene at a public hearing to be held in Clarington, Ontario in November 2012, for the 10-year renewal of the DWMF, the renewal of the Darlington Nuclear Power Reactor Operating Licence and the EA associated with the Darlington Refurbishment project.

Conclusion

18. The Commission has considered the submissions of OPG and CNSC staff as presented in the material available for reference on the record.

³ S.C. 1992, c. 37.

19. The Commission accepts the opinion of CNSC staff and is satisfied that all applicable requirements of the CEAA have been fulfilled.
20. The Commission is satisfied that the applicant meets the requirements of subsection 24(4) of the *Nuclear Safety and Control Act*.
21. The Commission therefore decides to renew, pursuant to section 24 of the *Nuclear Safety and Control Act*, the operating licence issued to Ontario Power Generation Inc. for its Darlington Waste Management Facility. The renewed licence, WFOL-355.00/2013, will be valid until April 30, 2012.



Michael Binder
President,
Canadian Nuclear Safety Commission

JUL 04 2012

Date