



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 Licence Amendment Request for the Darlington
Waste Management Facility Operating Licence

Hearing Date June 18, 2010

RECORD OF PROCEEDINGS

Applicant: Ontario Power Generation Inc.

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

Purpose: Licence Amendment Request for the Darlington Waste Management Facility Operating Licence

Application received: January 29, 2010; March 19, 2010; April 22, 2010; April 28, 2010

Date of hearing: June 18, 2010

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

Members present: M. Binder, Chair

Secretary: K. McGee

Recording Secretary: S. Gingras

Licence: Amended

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Introduction

1. Ontario Power Generation Inc. (OPG) has applied to the Canadian Nuclear Safety Commission¹ (CNSC) for an amendment to the Waste Facility Operating Licence for its Darlington Waste Management Facility (DWMF) located in Clarington, Ontario. The current licence, WFOL-W4-355.02/2012, expires on October 31, 2012.
2. At the DWMF, used nuclear fuel from the Darlington Nuclear Generating Station (NGS) is processed and sealed in dry storage containers and stored in on-site warehouses.
3. OPG requested amendments to the DWMF licence to accommodate OPG's transition to the 2008 edition and update no 1 of Canadian Standards Association (CSA) N285.0 "General Requirements for Pressure-Retaining Systems and Components in CANDU Nuclear Power Plants". OPG has also requested several administrative changes to the licence, including updates in documentation, agreements to its consolidated financial guarantee and the current Safety Report for the Darlington Waste Management Facility.

Issue

4. 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.

Hearing

5. The Commission, in making its decision, considered information presented for a hearing held on June 18, 2010 in Ottawa, Ontario. During the hearing, the Commission considered written submissions from CNSC staff (CMD 10-H103) and OPG (CMD 10-H103.1).

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 S.C. 1997, c. 9.

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-W4-355.01/2012 issued to Ontario Power Generation Inc. for its Darlington Waste Management Facility located in Clarington, Ontario. The amended licence, WFOL-W4-355.02/2012, remains valid until October 31, 2012.

7. The Commission includes in the licence the conditions as recommended by CNSC staff in CMD 10-H103.

Issues and Commission Findings

Qualifications and Protection Measures

8. CNSC staff reported that they reviewed OPG's amendment requests related to pressure boundaries, more specifically the standards, the proposed licence amendments and the Authorized Inspection Agency (AIA) draft contract, and found them to be acceptable. CNSC staff also noted that OPG will be fully compliant with the new CSA standard N285.0-8 and update no. 1 by January 31, 2012.
9. CNSC staff explained that changes have been made to the Provincial Guarantee component of OPG's consolidated financial guarantee with the Commission's approval to increase the Provincial Guarantee component of the financial guarantee from \$760M to \$1.545M. Because of these changes, the CNSC Financial Security and Ontario Nuclear Funds Agreement (ONFA) Access Agreement between the CNSC, the Province of Ontario and OPG had to be amended and a new provincial guarantee Agreement between the CNSC and the Province of Ontario had to be signed. CNSC staff recommends that the Darlington WFOL be amended to reflect these changes.
10. CNSC staff indicated that OPG has requested the replacement of the 2006 version of the Safety Report with the 2009 version. CNSC staff stated that it had reviewed the request and concluded that the updates are within the safety and design envelope for the facility, and that changes comply with the change control process set out in conditions 4.1 and 4.2 of the licence. OPG has also requested the replacement of the "Operating Policies and Principles" and "Conduct of Engineering" document with the current revisions, and CNSC staff considers that the requested changes are in accordance with the change control process described in the licence.

11. CNSC staff also noted that OPG had requested administrative changes: the replacement of the title “Darlington Used Fuel Dry Storage Facility” with “Darlington Waste Management Facility” and the correction of document reference numbers for “Radiation Protection Policies and Principles” and “Radiation Protection Requirements”. CNSC staff stated that the information within these documents had not changed, and considers these changes to be acceptable.

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.
13. CNSC staff reported that it had completed an Environmental Assessment (EA) determination. CNSC staff stated that there was no requirement for an EA pursuant to subsection 5(1) of the CEAA.
14. The Commission is satisfied that all applicable requirements of the CEAA have been fulfilled.



Michael Binder
President,
Canadian Nuclear Safety Commission

JUN 18 2010

Date

³ S.C. 1992, c. 37.